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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mrs. EMERSON].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 25, 1997.

I hereby designate the Honorable JO ANN EMERSON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Reverend J.A. Panuska, S.J., president, University of Scranton, Scranton, PA, offered the following prayer:

Let us pray.

From ''Pied Beauty'' by the Jesuit poet Gerard Manley Hopkins.

Glory be to God for dappled things—
All things counter, original, spare, strange;
Whatever is fickle, freckled, (who knows how?)
With swift, slow, sweet, sour; adazzle, dim;
He fathers-forth whose beauty is past change: Praise him.

We praise You God for life in all its dazzling varieties. We thank You for gifts, basic yet beautiful: for love, for faith, for truth, and for dreaming. We ask Your blessing on this great Nation, on every nation, and on those who lead them. May we remember in our gladness those who suffer. May we share our prosperity with those in need. And may we seek justice and peace in our hearts and in our world. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCNULTY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Arkansas [Mr. HUTCHINSON] come forward and lead the House in the Pledge of Allegiance.

Mr. HUTCHINSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 2248. An act to authorize the President to award a gold medal on behalf of the Congress to Ecumenical Patriarch Bartholomew in recognition of his outstanding and enduring contributions toward religious understanding and peace, and for other purposes; and

H.R. 2443. An act to designate the Federal building located at 601 Fourth Street, NW., in the District of Columbia, as the ''Federal Bureau of Investigation, Washington Field Office Memorial Building'', in honor of William H. Christian, Jr., Martha Dixon Martinez, Michael J. Miller, Anthony Palmisano, and Edwin R. Woodriffe.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2209) ''An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1998, and for other purposes.''

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 542. An act to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel FAR HORIZONS;

S. 662. An act to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel VORTICE;

S. 830. An act to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes; and

S. 880. An act to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel DUSKEN IV.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize fifteen 1-minute speeches from each side after the gentleman from Pennsylvania [Mr. MCDADE].

WELCOMING THE REVEREND J.A. PANUSKA TO THE HOUSE OF REPRESENTATIVES

(Mr. MCDADE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDADE. Madam Speaker and my colleagues, I am privileged to welcome to this Chamber the Reverend J.A. Panuska, and I want to thank him for his very inspirational words during this morning's opening prayer.

Father Panuska is one of the most distinguished citizens of our Nation, serving as the president of the University of Scranton in Scranton, PA, and I am proud to call him friend. We in northeastern Pennsylvania have been blessed to have him as a neighbor in our community.

Thousands of students, faculty, and local citizens' lives have been enriched both by Father Panuska's guidance and by the many deeds he has accomplished, all with great excellence. He is an extraordinary man who is well respected in the local community, the academic community, and the spiritual community.

Founded in 1888, the university he presides over, the University of Scranton, is recognized nationally for the quality of its educational programs and for the remarkable record of its graduates receiving Fulbright scholarships. Under Father Panuska's leadership, the university has been ranked consistently among the top comprehensive institutions in the Northeastern and Middle Atlantic States, and although much of his time has been spent on his favorite discipline, cryobiology, administrative duties, and many other responsibilities, Father Panuska's true interest has always been the students he presides over.

In 1998, Father Panuska will conclude his 16-year tenure as president of the University of Scranton and will celebrate the 50th year of his entrance into the Society of Jesus. With all of my colleagues, I know we want to congratulate him on his service, to thank him for his friendship, and to wish him the best of luck in his new endeavors.

MOTION TO ADJOURN

Mrs. MINK of Hawaii. Madam Speaker, I have a privileged motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mrs. MINK of Hawaii moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentlewoman from Hawaii [Mrs. MINK].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mrs. MINK of Hawaii. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 71, nays 337, not voting 25, as follows:

[Roll No. 438]

YEAS—71

Allen	Gutierrez	Obey
Barrett (WI)	Harman	Olver
Becerra	Hinchey	Pallone
Berry	Hostettler	Pastor
Bonior	Hoyer	Pelosi
Borski	Jackson (IL)	Pomeroy
Brown (CA)	Jackson-Lee (TX)	Rangel
Brown (OH)	Jefferson	Salmon
Conyers	Kaptur	Sawyer
Davis (FL)	Kennelly	Scarborough
DeFazio	Kilpatrick	Shadegg
Delahunt	Kind (WI)	Slaughter
DeLauro	Largent	Stabenow
Deutsch	Levin	Stupak
Doggett	Lewis (GA)	Tauscher
Eshoo	Lowey	Tierney
Evans	Markey	Torres
Farr	Martinez	Towns
Fattah	McCarthy (MO)	Velazquez
Fazio	McDermott	Vento
Filner	McNulty	Waters
Frank (MA)	Miller (CA)	Waxman
Furse	Mink	Woolsey
Gephardt		Yates

NAYS—337

Abercrombie	Collins	Goss
Ackerman	Combest	Graham
Aderholt	Condit	Granger
Armey	Cook	Green
Bachus	Cooksey	Gutknecht
Baesler	Costello	Hall (OH)
Baker	Cox	Hall (TX)
Baldacci	Cramer	Hamilton
Ballenger	Crapo	Hansen
Barcia	Cubin	Hastert
Barr	Cunningham	Hastings (WA)
Barrett (NE)	Danner	Hayworth
Bartlett	Davis (IL)	Hefley
Barton	Davis (VA)	Hefner
Bass	Deal	Herger
Bateman	DeGette	Hill
Bentsen	DeLay	Hilleary
Bereuter	Diaz-Balart	Hilliard
Berman	Dickey	Hinojosa
Bilbray	Dicks	Hobson
Bilirakis	Dingell	Hoekstra
Bishop	Dooley	Holden
Blagojevich	Doolittle	Hooley
Bliley	Doyle	Horn
Blumenauer	Dreier	Houghton
Blunt	Duncan	Hulshof
Boehlert	Dunn	Hutchinson
Boehner	Edwards	Hyde
Bono	Ehlers	Inglis
Boswell	Ehrlich	Istook
Boucher	Emerson	Jenkins
Boyd	Engel	John
Brady	English	Johnson (CT)
Brown (FL)	Ensign	Johnson (WI)
Bryant	Etheridge	Johnson, E. B.
Bunning	Everett	Jones
Burr	Ewing	Kanjorski
Buyer	Fawell	Kasich
Callahan	Flake	Kelly
Calvert	Foley	Kennedy (MA)
Camp	Forbes	Kennedy (RI)
Campbell	Ford	Kildee
Canady	Fowler	Kim
Cannon	Fox	King (NY)
Capps	Franks (NJ)	Kingston
Cardin	Frelinghuysen	Kleczka
Carson	Frost	Klink
Castle	Gallegly	Klug
Chabot	Ganske	Knollenberg
Chambliss	Gejdenson	Kolbe
Chenoweth	Gekas	Kucinich
Christensen	Gilchrest	LaFalce
Clay	Gillmor	LaHood
Clayton	Gilman	Lampson
Clement	Goode	Lantos
Clyburn	Goodlatte	Latham
Coble	Goodling	LaTourette
Coburn	Gordon	Lazio
Leach	Parker	Sisisky
Lewis (CA)	Pascrell	Skaggs
Lewis (KY)	Paul	Skeen
Linder	Paxon	Skelton
Lipinski	Payne	Smith (MI)
Livingston	Pease	Smith (NJ)
LoBiondo	Peterson (MN)	Smith (OR)
Lofgren	Peterson (PA)	Smith (TX)
Lucas	Petri	Smith, Adam
Luther	Pickering	Smith, Linda
Maloney (CT)	Pickett	Snowbarger
Maloney (NY)	Pitts	Snyder
Manzullo	Pombo	Souder
Mascara	Porter	Spence
Matsui	Portman	Spratt
McCarthy (NY)	Poshard	Stark
McCollum	Price (NC)	Stearns
McCrery	Pryce (OH)	Stenholm
McDade	Quinn	Stokes
McGovern	Radanovich	Strickland
McHale	Rahall	Stump
McHugh	Ramstad	Sununu
McIntosh	Redmond	Talent
McIntyre	Regula	Tanner
McKeon	Riggs	Tauzin
McKinney	Riley	Taylor (MS)
Meehan	Rivers	Taylor (NC)
Meek	Rodriguez	Thomas
Menendez	Roemer	Thompson
Metcalf	Rogers	Thornberry
Mica	Rohrabacher	Thune
Millender-McDonald	Ros-Lehtinen	Thurman
	Rothman	Tiahrt
Miller (FL)	Roukema	Traficant
Minge	Roybal-Allard	Turner
Moakley	Royce	Upton
Mollohan	Rush	Visclosky
Moran (KS)	Ryun	Walsh
Moran (VA)	Sabo	Wamp
Morella	Sanchez	Watkins
Murtha	Sanders	Watt (NC)
Myrick	Sandlin	Watts (OK)
Neal	Sanford	Weldon (FL)
Nethercutt	Saxton	Weldon (PA)
Neumann	Schaefer, Dan	Weller
Ney	Schaffer, Bob	Wexler
Northup	Scott	Weygand
Norwood	Sensenbrenner	White
Nussle	Serrano	Whitfield
Oberstar	Sessions	Wicker
Ortiz	Shaw	Wise
Owens	Shays	Wolf
Oxley	Sherman	Wynn
Packard	Shimkus	Young (FL)
Pappas	Shuster	

NOT VOTING—25

Andrews	Foglietta	Nadler
Archer	Gibbons	Reyes
Bonilla	Gonzalez	Rogan
Burton	Greenwood	Schiff
Coyne	Hastings (FL)	Schumer
Crane	Hunter	Solomon
Cummings	Johnson, Sam	Young (AK)
Dellums	Manton	
Dixon	McInnis	

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Messrs. MORAN of Virginia, DUNCAN, MINGE, and LUTHER changed their vote from ''yea'' to ''nay.''

Mr. BROWN of California and Mr. PASTOR changed their vote from ''nay'' to ''yea.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

THE JOURNAL

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. JACKSON-LEE of Texas. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 331, noes 78, not voting, 24, as follows:

[Roll No. 439]

AYES—331

Ackerman	Evans	Lipinski
Aderholt	Ewing	Livingston
Allen	Farr	Lofgren
Andrews	Fattah	Lowey
Armey	Fawell	Lucas
Bachus	Flake	Luther
Baesler	Foley	Maloney (CT)
Baker	Forbes	Markey
Baldacci	Ford	Martinez
Ballenger	Fowler	Mascara
Barcia	Frank (MA)	Matsui
Barr	Franks (NJ)	McCarthy (MO)
Barrett (NE)	Frelinghuysen	McCarthy (NY)
Barrett (WI)	Frost	McCollum
Bartlett	Furse	McCrery
Barton	Gallegly	McDade
Bass	Ganske	McHale
Bateman	Gekas	McHugh
Bentsen	Gilchrest	McIntyre
Bereuter	Gillmor	McKeon
Berman	Gilman	McKinney
Berry	Goode	Meehan
Bilbray	Goodlatte	Menendez
Bilirakis	Goodling	Metcalf
Bishop	Gordon	Mica
Blagojevich	Goss	Millender-McDonald
Bliley	Graham	Miller (FL)
Blumenauer	Granger	Minge
Blunt	Greenwood	Mink
Boehlert	Hall (OH)	Moakley
Boehner	Hall (TX)	Mollohan
Bono	Hamilton	Moran (VA)
Boswell	Hansen	Morella
Boucher	Harman	Murtha
Boyd	Hastert	Myrick
Brown (FL)	Hastings (WA)	Nadler
Brown (OH)	Hayworth	Neal
Bryant	Hefner	Nethercutt
Bunning	Hinojosa	Neumann
Burr	Hobson	Ney
Burton	Hoekstra	Northup
Buyer	Holden	Norwood
Callahan	Hooley	Nussle
Calvert	Horn	Obey
Camp	Hostettler	Olver
Campbell	Hoyer	Ortiz
Canady	Hulshof	Owens
Cannon	Hunter	Oxley
Capps	Hutchinson	Packard
Cardin	Hyde	Pappas
Carson	Inglis	Parker
Castle	Istook	Pascrell
Chambliss	Jackson (IL)	Pastor
Clement	Jackson-Lee (TX)	Paul
Coble	Jefferson	Paxon
Coburn	Jenkins	Payne
Collins	John	Pease
Combest	Johnson (CT)	Pelosi
Condit	Johnson (WI)	Peterson (PA)
Conyers	Johnson, E. B.	Petri
Cook	Johnson, Sam	Pitts
Cooksey	Jones	Porter
Coyne	Kanjorski	Portman
Crapo	Kaptur	Price (NC)
Cunningham	Kasich	Pryce (OH)
Danner	Kennedy (MA)	Quinn
Davis (IL)	Kennedy (RI)	Radanovich
Davis (VA)	Kennelly	Rahall
Deal	Kildee	Rangel
DeGette	Kim	Redmond
Delahunt	Kind (WI)	Regula
DeLay	King (NY)	Reyes
Dellums	Kleczka	Riggs
Deutsch	Klink	Rivers
Diaz-Balart	Klug	Rodriguez
Dickey	Knollenberg	Roemer
Dicks	Kolbe	Rogers
Dingell	LaFalce	Rohrabacher
Dooley	LaHood	Ros-Lehtinen
Doolittle	Lampson	Rothman
Doyle	Lantos	Roukema
Dreier	Largent	Roybal-Allard
Duncan	Latham	Royce
Dunn	LaTourette	Rush
Edwards	Lazio	Ryun
Ehlers	Leach	Sanchez
Ehrlich	Levin	Sanders
Emerson	Lewis (CA)	Sandlin
Engel	Lewis (KY)	Sanford
Eshoo	Linder	Saxton
Etheridge	Livingston	Scarborough
Evans	Lofgren	Schaefer, Dan
Ewing	Lowey	Scott
Farr	Lucas	Sensenbrenner
Fattah	Luther	Serrano
Fawell	Maloney (CT)	Shaw
Flake	Markey	Shays
Foley	Martinez	Sherman
Forbes	Mascara	Shimkus
Ford	Matsui	Shuster
Fowler	McCarthy (MO)	Sisisky
Frank (MA)	McCarthy (NY)	Skaggs
Franks (NJ)	McCollum	Skeen
Frelinghuysen	McCrery	Skelton
Frost	McDade	Slaughter
Furse	McHale	Smith (MI)
Gallegly	McHugh	Smith (NJ)
Ganske	McIntyre	Smith (OR)
Gekas	McKeon	Smith (TX)
Gilchrest	McKinney	Smith, Adam
Gillmor	Meehan	Snyder
Gilman	Menendez	Solomon
Goode	Metcalf	Spence
Goodlatte	Mica	Spratt
Goodling	Millender-McDonald	Stabenow
Gordon	Miller (FL)	Stark
Goss	Minge	Stenholm
Graham	Mink	Stump
Granger	Moakley	Sununu
Greenwood	Mollohan	Talent
Hall (OH)	Moran (VA)	Tanner
Hall (TX)	Morella	Tauscher
Hamilton	Murtha	Tauzin
Hansen	Myrick	Taylor (NC)
Harman	Nadler	Thomas
Hastert	Neal	Thornberry
Hastings (WA)	Nethercutt	Tiahrt
Hayworth	Neumann	Tierney
Hefner	Ney	Torres
Hinojosa	Northup	Traficant
Hobson	Norwood	Turner
Hoekstra	Nussle	Upton
Holden	Obey	Velazquez
Hooley	Olver	Walsh
Horn	Ortiz	Watkins
Hostettler	Owens	Watt (NC)
Hoyer	Oxley	Waxman
Hulshof	Packard	Weldon (FL)
Hunter	Pappas	Weldon (PA)
Hutchinson	Parker	Wexler
Hyde	Pascrell	Weygand
Inglis	Pastor	White
Istook	Paul	Whitfield
Jackson (IL)	Paxon	Wicker
Jackson-Lee (TX)	Payne	Wise
Jefferson	Pease	Wolf
Jenkins	Pelosi	Woolsey
John	Peterson (PA)	Wynn
Johnson (CT)	Petri	Yates
Johnson (WI)	Pitts	Young (FL)
Johnson, E. B.	Porter	
Johnson, Sam	Portman	
Jones	Price (NC)	
Kanjorski	Pryce (OH)	
Kaptur	Quinn	
Kasich	Radanovich	
Kennedy (MA)	Rahall	
Kennedy (RI)	Rangel	
Kennelly	Redmond	
Kildee	Regula	
Kim	Reyes	
Kind (WI)	Riggs	
King (NY)	Rivers	
Kleczka	Rodriguez	
Klink	Roemer	
Klug	Rogers	
Knollenberg	Rohrabacher	
Kolbe	Ros-Lehtinen	
LaFalce	Rothman	
LaHood	Roukema	
Lampson	Roybal-Allard	
Lantos	Royce	
Largent	Rush	
Latham	Ryun	
LaTourette	Sanchez	
Lazio	Sanders	
Leach	Sandlin	
Levin	Sanford	
Lewis (CA)	Saxton	
Lewis (KY)	Scarborough	
Linder	Schaefer, Dan	
Lipinski	Scott	
Livingston	Sensenbrenner	
Lofgren	Serrano	
Lowey	Shaw	
Lucas	Shays	
Luther	Sherman	
Maloney (CT)	Shimkus	
Markey	Shuster	
Martinez	Sisisky	
Mascara	Skaggs	
Matsui	Skeen	
McCarthy (MO)	Skelton	
McCarthy (NY)	Slaughter	
McCollum	Smith (MI)	
McCrery	Smith (NJ)	
McDade	Smith (OR)	
McHale	Smith (TX)	
McHugh	Smith, Adam	
McIntyre	Snyder	
McKeon	Solomon	
McKinney	Spence	
Meehan	Spratt	
Menendez	Stabenow	
Metcalf	Stark	
Mica	Stenholm	
Millender-McDonald	Stump	
Miller (FL)	Sununu	
Minge	Talent	
Mink	Tanner	
Moakley	Tauscher	
Mollohan	Tauzin	
Moran (VA)	Taylor (NC)	
Morella	Thomas	
Murtha	Thornberry	
Myrick	Tiahrt	
Nadler	Tierney	
Neal	Torres	
Nethercutt	Traficant	
Neumann	Turner	
Ney	Upton	
Northup	Velazquez	
Norwood	Walsh	
Nussle	Watkins	
Obey	Watt (NC)	
Olver	Waxman	
Ortiz	Weldon (FL)	
Owens	Weldon (PA)	
Oxley	Wexler	
Packard	Weygand	
Pappas	White	
Parker	Whitfield	
Pascrell	Wicker	
Pastor	Wise	
Paul	Wolf	
Paxon	Woolsey	
Payne	Wynn	
Pease	Yates	
Pelosi	Young (FL)	

NOES—78

Abercrombie	Gutknecht	Ramstad
Becerra	Hefley	Riley
Bonior	Hill	Sabo
Borski	Hilleary	Salmon
Brady	Hinchey	Sawyer
Brown (CA)	Kelly	Schaffer, Bob
Chabot	Kilpatrick	Sessions
Christensen	Kingston	Shadegg
Clay	Kucinich	Smith, Linda
Clayton	Lewis (GA)	Snowbarger
Clyburn	LoBiondo	Souder
Costello	Maloney (NY)	Stearns
Cramer	Manzullo	Stokes
DeFazio	McDermott	Strickland
DeLauro	McGovern	Stupak
Doggett	McNulty	Taylor (MS)
English	Meek	Thompson
Ensign	Miller (CA)	Thune
Everett	Moran (KS)	Thurman
Fazio	Oberstar	Towns
Filner	Pallone	Vento
Fox	Pickering	Visclosky
Gejdenson	Pickett	Wamp
Gephardt	Pombo	Waters
Green	Pomeroy	Watts (OK)
Gutierrez	Poshard	Weller

NOT VOTING—24

Archer	Dixon	Manton
Bonilla	Foglietta	McInnis
Chenoweth	Gibbons	McIntosh
Cox	Gonzalez	Peterson (MN)
Crane	Hastings (FL)	Rogan
Cubin	Herger	Schiff
Cummings	Hilliard	Schumer
Davis (FL)	Houghton	Young (AK)

☐ 1043

Mr. NEAL of Massachusetts changed his vote from ''no'' to ''aye.''

So the Journal was approved.

The result of the vote was announced as above recorded.

☐ 1045

WHITE HOUSE THREATENS TO KEEP CONGRESS IN SESSION

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Madam Speaker, the White House has threatened to keep the Congress in session until it brings up legislation to reform the current campaign laws. Well, that is fine with me. It will give both the House and Senate more time to examine in detail every campaign law that this administration broke during the last election.

There are laws on the books against soliciting campaign funds from Federal property. There are laws on the books that prohibit campaign contributions from foreign services, especially the Communist Chinese. There are laws on the books that prohibit campaign events from occurring at Buddhist temples. These are just some of the abuses that we have already found in the Clinton-Gore reelection campaign.

The President can keep us in session as long as he wants. It will give us much more time to examine in detail the emerging Clinton-Gore campaign scandal.

RALPH ELLISON'S ''INVISIBLE MAN''

(Mr. SAWYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAWYER. Madam Speaker, today is the 40th anniversary of Little Rock, AR. It is also the 45th anniversary year of the publication of a novel that changed America, Ralph Ellison's ''Invisible Man.''

The central conceit in that compelling piece of literature was the invisibility of African-Americans in American society. It began, ''I am an invisible man. I am invisible, understand, simply because people refuse to see me.''

Five years later, Central High School was on every television in America and millions of Americans were invisible no more. Today, it is a deep irony that if we fail to conduct the most complete census we are capable of, we will make millions of Americans of a color disappear from the public rolls of the Nation.

At the same time, in Orange County, in an attempt to change the outcome of an election, a former Member of this House is trying to manufacture people of color to suggest a fraud, manufacture people of color out of thin air.

JENNIFER DAVIS IMPRISONED IN PERU

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Madam Speaker, September 25, 1996, 1 year ago, Jennifer Davis was in Peru. She was arrested on drug charges. She has admitted her guilt and has cooperated with authorities. For this, she has been put in an inhumane prison, has never received her rights under Peruvian law. While she has been there for 1 year, a Russian arrested is in and out in 6 months; a policeman that she put the finger on is in and out in 6 months.

This Peruvian Government has refused to consider the sense-of-Congress resolutions passed in both Houses to extend our human rights to this young lady and 24 other Americans. It is time to do something about it.

ACT NOW ON CAMPAIGN FINANCE REFORM

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Madam Speaker, with daily speeches, repeated requests for recorded votes, motions to adjourn, and objections, we are attempting to convince the Republican leadership that it is less trouble to schedule a vote on campaign finance reform than to not schedule one. With a motion to adjourn, we are saying adjourn the special interests that corrupt the political process. With a motion to approve the Journal, we are saying approve a Journal that reflects real campaign finance reform.

The announcement of the gentleman from Texas [Mr. ARMEY] yesterday that in response to these Democratic procedural moves he would schedule something sometime on this issue I suppose is a step forward. It has taken 9 months, but we finally appear to have moved the Republican leadership from ''definitely no'' to ''maybe sometime on something.''

House Republicans should now give us a specific time and should work out the terms of debate. Only then will we have a true ''yes'' to real campaign finance reform. To clean up the campaigns for 1998, we must act now.

DOES ANYONE HAVE ANY ANSWERS?

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Madam Speaker, I have been following these accusations of campaign finance scandals and reform and outrageous political corruption with great interest. But I must admit, I am having an awfully hard time keeping up.

My Democrat friends insist that it is just political and that there is really nothing to them. Since my good friends on the liberal side of the aisle have such a sterling reputation for fairness and their own ironclad commitment to nonpartisanship, I would like them to clear up a few questions I have, questions I am sure they are just as eager to have answered as I am.

So, who did hire Craig Livingston at the White House? You know, the former bouncer put in charge of security at the White House and who somehow ended up with 900 FBI files on us Republicans?

Another question I have is, what is the difference between a fund-raiser and a finance-related event? I would like to know so that I too can get around the same laws which restrict such activities.

Why did John Huang hide for several days from a Federal judge in order to keep embarrassing fund-raising revelations quiet until after the 1996 election?

Does anyone have those answers?

MAJORITY LEADER ANNOUNCES CONSIDERATION SOMETIME THIS YEAR OF CAMPAIGN FINANCE REFORM

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Madam Speaker, the House of Representatives must be allowed to debate and vote on substantive bipartisan campaign finance reform. The question is, will the Republican leadership allow this to happen?

The press is reporting today that the gentleman from Texas [Mr. ARMEY], majority leader, has said that there will be consideration sometime this year. I am encouraged by these comments. The time has come now for the majority leader and the minority leader to sit down and work out the terms of these debates, just as the majority leader and the minority leader in the Senate sat down and discussed how debate will be conducted later this year.

When that is done, the House can go back to business as usual and the country can receive the debate that it is entitled to. I encourage the majority leader to sit down with the minority leader and work out the terms of a bipartisan debate and legislation on campaign finance reform.

CAMPAIGN FUND-RAISING INVESTIGATIONS

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Madam Speaker, liberals are calling congressional investigations in the White House fund-raising scandals and political corruption a partisan witch hunt. Does anyone take this accusation seriously?

The fact is, the only thing we are hunting for are the 6 foreign nationals that fled the country, the 10 foreign witnesses refusing interviews by the Thompson Committee and the 31 witnesses who have pled the fifth amendment.

The same administration that claims to be cooperating fully with investigators has got a list of noncooperating witnesses that grows daily. They have a very strange notion of cooperation indeed.

I am beginning to think that the liberal idea of campaign finance reform is to pass a law that says these crimes should not be investigated, political corruption should go unpunished, and lawbreaking should be overlooked if it involves foreigners of any kind, especially if those foreigners are from Communist countries.

One wonders if the 50 fugitive friends of Bill are what the President had in mind when he pledged to have the most ethical administration in history.

THE IRS IS BEING PICKED ON

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, former IRS commissioner said, ''Congressman Traficant for years has worked to turn the American people against the IRS.'' He said, ''It is unfair, and the IRS is not a two-headed monster.''

The IRS is being picked on. How about a pity party. Do I hear violins? Let us tell it like it is. If the IRS is not a two-headed monster, why are American citizens literally wearing bags over their heads afraid to death to tell the Government how they feel about the IRS? The truth is, the American people know the IRS, the Congress knows the IRS, and the IRS knows the IRS.

I want to say one last thing. I am going to advise IRS spokespeople to stop mentioning my name on national television. I yield back the balance of their abuses.

ELIMINATE IRS CODE

(Mr. BLUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUNT. Madam Speaker, as I was walking out of the revolving door here yesterday after what I think was our fourth vote to adjourn, I was reminded of that Bill Murray movie ''Groundhog Day.'' Here we are again, right back in the same day, voting to adjourn, voting on the Journal, voting on the Suspension Calendar, and not doing the business of the American people.

Yesterday, we also announced an effort to abolish the IRS Code, I say to the gentleman from Ohio [Mr. TRAFICANT], by December 31, 2000, abolish the Code, end the IRS as we know it, end those abuses, end the constant harassment of Americans by an agency that is out of control.

The Declaration of Independence has 1,300 words. The Bible has 73,000 words. The IRS code has 2.8 million words. It needs to be eliminated.

LORETTA SANCHEZ IS HERE TO STAY

(Mr. SERRANO asked and was given permission to address the House for 1 minute.)

Mr. SERRANO. Madam Speaker, let me see if I get this straight. The gentlewoman from California [Ms. SANCHEZ] wins an election in California, she is certified by a Republican Secretary of State, she comes to the House and takes her seat, and she begins to do her district's work. Then all of a sudden Republicans launch an unprecedented attack not only on the Hispanic voters in her district, but on Hispanic voters throughout the Nation.

This is the same party that is telling us that they want to bring Hispanics into their party and invite them in. Well, they must have hired the same consultant to do this advice that told them to close down the Government a couple years ago.

I suggest they are getting ripped off. Let the gentlewoman from California

[Ms. SANCHEZ] go. Stop harassing Hispanic voters. She is here, and she is going to stay.

EPA NEW CLEAN AIR STANDARDS

(Mr. TIAHRT asked and was given permission to address the House for 1 minute.)

Mr. TIAHRT. Madam Speaker, well, it is lawyers over lunch buckets once again for EPA and this administration. Secretary Browner and the EPA have proposed new clean air standards so complicated and so cumbersome that they will employ many more lawyers and lay off working men and women.

Where is the scientific data that supports this need for these choking regulations? We have not seen the data. If it exists, it must be hidden under the mountain of draft proposed regulations.

History tells us that new regulations also drive up the cost of transportation, the cost of the production of goods, and in the trade world of NAFTA and GATT, that will cost working men and women their jobs. This loss of jobs is simply a natural product of an economy that has more government bureaucrats than manufacturing workers. Too much regulation, not enough work.

It is somewhat like EPA's Superfund, badly in need of reform, which spends over half of its budget on lawyers instead of cleaning up the mess. The new clean air standards will enrich the lawyers at the cost of working men and women.

Yes, Madam Speaker, it is lawyers over lunch buckets for the EPA and this administration.

MOVE FORWARD ON CAMPAIGN FINANCE REFORM

(Ms. MCCARTHY of Missouri asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MCCARTHY of Missouri. Madam Speaker, as one who has worked tirelessly for fiscal responsibility in a bipartisan effort to balance the budget and bring taxpayer relief, I am outraged by the millions of tax dollars being spent investigating past campaigns, while no House action is allowed on reforming the campaign fiance system for the future.

Why are Republican leaders in the House continuing to look backward, indeed, closing their eyes to what is so obviously a priority with the citizens of this Nation?

In my district they want us to move forward, reform a system that is in dire need of change. Our President is ready. Congressional Democrats on both sides of the aisle, both sides of the rotunda are ready, as well of even some Senate Republicans are calling for reform.

Madam Speaker, I urge the House Republican leadership to get on board with a bipartisan, bicameral effort to fix this system.

□ 1100

IMAGES OF PROGRESS

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute.)

Mr. HUTCHINSON. Madam Speaker, for many people across this country, Little Rock's Central High School brings a searing image to mind when 1,000 armed men were forced to escort nine African-American children through the doors of the high school. It is an image in this Nation's past, one of hostility, fear, and resistance to change.

However, Madam Speaker, I would suggest that other images survive, too, images of courage, hope, and perseverence; the image of the young Elizabeth Eckford, an image of personal strength and character. I am also inspired by the courage of those students who stood firm in support of their new classmates. As Melba Patillo, another of the students seeking entrance to Central High School said, ''Each time as I was about to give up exhausted from the jeers and insulting remarks, some kind face would come up and say: 'I want you here.'''

Madam Speaker, we have not eliminated intolerance in our country, but this weekend, marking the 40th anniversary of the Central High conflict, individuals who once confronted one another during those angry days will come together. Even as I speak, buses filled with a new generation of Freedom Riders from the University of Arkansas are arriving in Little Rock to help shape the united future for our Nation. Madam Speaker, these images all of them should be remembered. They are images of progress.

CELEBRATING 40TH ANNIVERSARY OF LITTLE ROCK NINE

(Mr. SNYDER asked and was given permission to address the House for 1 minute.)

Mr. SNYDER. Madam Speaker, I join my colleagues from Arkansas in celebrating today the 40th anniversary of nine black students entering Central High School. The President is there today to walk in the school with the Little Rock Nine. Who can forget this unforgettable picture of courage on the part of one 15-year-old and racism on the face of the other.

Today it is a celebration of heroes. Elizabeth Eckford, Ernest Green, Minnijean Brown Trickey, Terrence Roberts, Jefferson Thomas, Carlotta Walls Lanier, Gloria Ray Karlmark, Melba Pattillo Beals, Thelma Mothershed Wair. We learned from their courage in the past. Today we learn from their wisdom.

This is a picture taken just this week of these same two 15-year-old girls. Forty years ago we learned from their courage. Today we learn of the ability to forgive and move on and learn from the mistakes of the past.

SAVE AMERICA, STOP LAWSUIT ABUSE

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Madam Speaker, I commend the Members of the Western Maryland Citizens Against Lawsuit Abuse [WMCALA] for joining thousands of Marylanders in declaring this week of September 21 through September 28 Lawsuit Abuse Awareness Week.

This group points out that we all pay for outrageous punitive damages and settlements from excessive and frivolous lawsuits. They note that this results in higher prices on goods and services, higher prices for medical care and equipment, loss of safety improvements or product innovations for fear of lawsuits, jobs lost, and businesses forced to close to pay judgments.

Congress passed comprehensive legal reform and product liability reform. President Clinton vetoed both. We are all paying a heavy price for the $2.5 million in contributions from trial lawyers to President Clinton's 1996 campaign. We commend Western Maryland Citizens Against Lawsuit Abuse.

WORKING TOGETHER ON 40TH ANNIVERSARY OF LITTLE ROCK HIGH SCHOOL CRISIS

(Mr. BERRY asked and was given permission to address the House for 1 minute.)

Mr. BERRY. Madam Speaker, it is fitting that we rise today to commemorate the 40th anniversary of the Little Rock high school crisis. I remember that time well. I was in high school myself at that time. There was much unfairness, and there was much courage.

I believe that the world has changed a lot since that terrible time. Today just about every student who would like to has the opportunity to get a college education. Because of recent actions of the Congress, we will be able to even help more of the young people that want to achieve their goals.

But we look back on the year 1957 with much sadness. We also face the future with much hope. Today we celebrate how far we have come. We also recognize how far we yet have to go. Most of all, we remember the lesson that it has taught us. We all do better when we work together.

CALL FOR MORE TAX RELIEF

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Madam Speaker, what a difference 4 years makes. In 1993 President Clinton and a Democrat Congress rammed through a budget that contained the largest tax increases in the history of this country

and $200 billion deficits as far as the eye could see.

With a determination to save the American dream for the next generation, the Republican Congress turned the tax-and-spend culture of Washington upside down and produced a balanced budget with tax cuts for the American people. Now that the Federal Government's financial house is finally in order, the big question facing Congress, and the President, by the way, is what is next? With the average family still paying more in taxes than they do for the basic necessities, the obvious answer is, an across-the-board tax cut for everybody.

As we move from the era of big budgets and budget deficits to budget surpluses, some in this town will argue that we can afford to spend more money on more Washington programs. This is the mindset that created the problem in the first place. For our children's sake, it should be rejected. I urge, Madam Speaker, to continue fighting for more tax relief for the American people.

THE LITTLE ROCK NINE: A RIGHTFUL PLACE IN HISTORY

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Madam Speaker, 40 years ago nine black students came to the doors of Central High School in Little Rock, AR, and demanded a seat in a classroom where they were denied welcome. They were entitled to be there by law, but they could not be there because an angry, hateful mob and Arkansas State troopers turned them away. The Little Rock Nine did nothing wrong. They were denied an education. They were turned away by hatred and bigotry. They were turned away because they were black.

Three weeks later, on September 25, President Eisenhower ordered Federal troops to escort the Little Rock Nine into Central High School. In doing so, the Little Rock Nine rocked not just a city, they rocked the Nation. As giants in our Nation's struggle for civil rights, the Little Rock Nine have earned their rightful place in history.

So today, Madam Speaker, we mark the 40th anniversary of the desegregation of Central High School. Because of their action, we have witnessed a nonviolent revolution in America. Our country is a better country, a better place, and we are better people because of them.

LEGAL ISSUES IN DISPUTED CALIFORNIA ELECTION

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Madam Speaker, the Republican majority on the Committee on House Oversight seems to be willing to go to any length to overturn the election of Congresswoman LORETTA SANCHEZ. The committee majority is in the process of sharing the Immigration and Naturalization Service records of hundreds of thousands of Orange County residents with the California Secretary of State. These records contain personal information on law-abiding U.S. citizens, many of them targeted by committee investigators simply because they have Hispanic surnames or because they reside in certain neighborhoods, and that is an outrage.

Everyone in this House must be concerned if the majority is simply acting as a conduit to circumvent Federal privacy protections. We need to be concerned with the legal issues that are involved for every American in this country, and if Hispanic-Americans have to believe that, in fact, simply because of their Hispanic surname, like I who was born in the United States, will be on some list, that that is the reason that they are going to be able to introduce and get into their privacy records, that has no end, and that cannot be tolerated by this Congress.

AGAINST H.R. 1270, NUCLEAR WASTE POLICY ACT

(Mr. ENSIGN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENSIGN. Madam Speaker, I rise today in opposition of the Nuclear Waste Policy Act of 1997. Rarely in America do environmental groups, do private property rights groups and the people who truly believe in States rights ever join together to oppose something or to support something. But in this case, Madam Speaker, they all join together to oppose the Nuclear Waste Policy Act of 1997. The reason is because from an environmental standpoint, there are safety reasons.

During the transport of nuclear waste across 43 States, there are transportation safety reasons that environmental groups oppose this for. Private property rights oppose it because it devalues private property values as nuclear waste is transported past those private profits. And States rights people are against it because this is one State having nuclear waste shoved down its throat against its will. This is against the U.S. Constitution.

PASS MEANINGFUL CAMPAIGN FINANCE REFORM

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Madam Speaker, we have heard from the White House, we have heard from the Senate, and we have heard from the American people loud and clear. It is time to move forward and pass meaningful campaign finance reform. Now we are hearing that the majority leader might do something sometime. When is this House going to be ready? When will the leadership of this House be prepared to clean up the campaign finance mess we have in this country?

This House, the people's House, should be the loudest voice in the chorus. We must put a stop to big money special interests flooding the halls of our Government. It is time, Madam Speaker, for the Republican leadership to join with us to tell the American people that the buck stops here.

WORKING FOR RACIAL HARMONY

(Mr. DICKEY asked and was given permission to address the House for 1 minute.)

Mr. DICKEY. Madam Speaker, in September 1957, I was a 17-year-old freshman living in Pine Bluff, AR, and I was traveling through Little Rock to get to my school in Conway. I had no idea what was actually going on. I am here to tell my colleagues that I also went last week to Little Rock, AR, to a reconciliation rally and saw 13,000 kids and the rest of the State working to bring ourselves together because of what happened at Little Rock Central.

That rally made me think of Wiley Branton, who is a lawyer for my city, who carefully saw that I was indifferent to this and carefully told me the story of what it was like. He was in the middle of those heated exchanges, in the middle of that history-making event.

I want to thank Wiley Branton, I want to thank my colleague JOHN LEWIS, for the service that they have given before and to thank them also and all of the people who knew me and knew how indifferent I was then for the toleration they had for me and forgiving me for my indifference. I want to do all I can to bring racial harmony to Little Rock, AR, to our State and to our Nation.

ANTIPERSONNEL LANDMINES

(Mr. CAPPS asked and was given permission to address the House for 1 minute.)

Mr. CAPPS. Madam Speaker, I rise today in great dismay over the President's decision not to sign the Ottawa treaty banning antipersonnel land mines. The administration's position defies reason. The only way that the United States can show leadership on this issue is to sign the comprehensive ban treaty on these deadly devices. One hundred nations courageously have changed their policy, but U.S. lawyers have simply changed the definition of a landmine.

But a landmine by any other name is still a landmine, and landmines are immoral. People around the globe have come together to say, no more. No more killing, no more maiming, no more maiming of innocents. No more fear of leaving one's home to find food. No more social and economic dislocation to the world's neediest countries. I

ask the President to sign the treaty to ban the antipersonnel landmines.

□ 1115

WHAT ARE A MINORITY OF DEMOCRATS TRYING TO STOP?

(Mr. HORN asked and was given permission to address the House for 1 minute.)

Mr. HORN. Madam Speaker, I have answered to these rollcalls on adjournment a dozen or more times in the last few weeks. It is an attempt by a determined minority on the other side. They are not the majority. The majority of Democrats have voted against these motions to adjourn, but 66 or so people, including the Democratic leader, have voted for these nuisance motions, and those other motions they can make under the House rules. What are they trying to stop?

They are trying to stop the appropriations process which needs time on the floor to meet the October 1 beginning of the new fiscal year. They are also trying to stop the 1996 campaign finance investigation process.

Yesterday, the Committee on Government Reform and Oversight was in a meeting all day, 10 o'clock to 6 o'clock. Serious deliberations were interrupted by numerous nuisance votes to adjourn.

Some people just want us to go home. They do not want the investigation to continue. We have 58 witnesses that are unavailable that we are trying to depose, and within the 58, 11 have left the country; 11 foreigners have refused to be interviewed by the police agencies in their country to give us evidence; 36 of the 58 have pled the fifth amendment and refused to testify.

It is time the Democratic minority get to work and quit the nuisance motions. That is what the American people want—whether they are Democrats, Independents, or Republicans.

CONGRESS MUST HANDLE THE MOST IMPORTANT ISSUE CONCERNING ELECTIVE DEMOCRACY

(Mrs. MINK of Hawaii asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MINK of Hawaii. Madam Speaker, this morning I offered the motion to adjourn. I offered the motion to adjourn because I do not believe this House has the right to sit in session unless we handle the most important issue concerning the elective democracy in this country, and that is how we raise money.

All of us go out and tell our constituents we need money in order to finance our campaigns. We tell our constituents that we are governed by laws that say we cannot collect more than $1,000 for every election, and the PAC's live under similar restrictions of $5,000 for every election. And yet night after night we read about these people who contribute $100,000, $200,000, half a million dollars to our party committees.

Who can fix it? It is only the Congress that can fix it, and we should not be in session unless we handle this. I call upon the leadership to schedule this item, and when they do, there will no longer be motions to adjourn.

SCHOOL CHOICE GAINING SUPPORT AMONG MINORITIES

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Madam Speaker, the Secretary of Education believes giving low income parents the ability to send their children to a better and safer school is, ''a simplistic world view and dead wrong.'' But recent polls show that school choice is gaining support in America, especially among minorities. A recent study shows that 57 percent of African-Americans and 65 percent of Hispanics support school choice. I am surprised the administration is coming out against such a commonsense idea. Secretary Riley made it clear that low income families will not be helped by this administration.

Now let me make it clear that we in Congress will continue to push for school choice. See, we do not believe the President should be the only person in public housing with the opportunity to send his child to a better school.

BIPARTISAN TASK FORCE TAKING THE BOLD STEP OF BANNING SOFT MONEY

(Mr. PASCRELL asked and was given permission to address the House for 1 minute.)

Mr. PASCRELL. Madam Speaker, the efforts of the bipartisan task force have given us a very real chance for meaningful campaign finance reform. I am committed to seeing that this opportunity is not lost. It is incumbent upon this Congress that we honestly address the many flaws in the current system by which we finance our campaigns. Whether we want to admit it or not, the fact is that our campaign finance system is jeopardizing our credibility. We should not fool ourselves into believing that the problem is only the illegal activities that occur during campaigns. Quite to the contrary, the real problems stem from what is allowed under the law.

Madam Speaker, our bill takes the bold and important step of banning soft money. In the last election cycle we witnessed an explosion in the amount of soft money. Democrats and Republicans combined to raise more than $260 million, and by 2000 it will be a billion dollars.

PRESIDENT THREATENS TO CALL US INTO SESSION TO INVESTIGATE CAMPAIGN FINANCE REFORM

(Mr. SOUDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOUDER. Madam Speaker, it is actually hilarious to listen to the President threaten to call us into session to investigate campaign finance reform. Maybe for 1 day we can investigate his friends who are in jail, 1 day we can investigate his friends who have been released from jail, 1 day to investigate his friends who are indicted and maybe soon heading to jail, 2 days to investigate his friends who received immunity, one for partial and 1 for people who have received full immunity, 2 days for his friends who are pleading the fifth and unwilling to testify, and 3 days for his friends who have given him money and are now escaped overseas, and we could actually break this down by continent, or maybe if we have a few extra days, we can look into the impeachment resolution of the gentleman from Georgia [Mr. BARR].

What a joke. Did he think of this when he was raising the million dollars in San Francisco the other day? Before or after? I think it is a mockery of this process for this President to propose that we should be looking at campaign finance reform. He is the one with the problem.

WHERE IS OUR VOTE ON CAMPAIGN FINANCE REFORM?

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous material.)

Ms. DELAURO. Madam Speaker, yesterday the majority leader stated that it is his ''expectation that we will finally consider campaign finance reform,'' this fall. I have a message for my colleague from Texas. As of this past Monday, September 22, it is already fall.

The American people have waited too long. They know the system is broken, and they want it fixed. The people lose faith day by day in our political system.

Example: Tobacco industry gets $50 billion in a tax break; tobacco industry, single biggest contributor to the Republican Party in the last election. I do not know any working family in this country that got a $50 billion tax break. The American people understand this.

The other body, in fact, has scheduled the vote; the President wants to pass a bill. I ask the Speaker of this House, where is our vote? And, yes, my colleagues, every single day the minority will use the tool available to them, calling for motions to adjourn, until they bring up campaign finance reform. The American people deserve it.

MOTION TO ADJOURN

Ms. WOOLSEY. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion to adjourn offered by the gentlewoman from California [Ms. WOOLSEY].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. WOOLSEY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 82, nays 334, not voting 17, as follows:

[Roll No. 440]

YEAS—82

Abercrombie	Gejdenson	Obey
Ackerman	Gephardt	Olver
Allen	Harman	Owens
Andrews	Hilleary	Pallone
Barrett (WI)	Hostettler	Pastor
Becerra	Hoyer	Payne
Berry	Jackson (IL)	Pelosi
Bonior	Jackson-Lee (TX)	Pomeroy
Borski	Jefferson	Rangel
Brown (OH)	Johnson (WI)	Rodriguez
Clyburn	Johnson, E. B.	Salmon
Conyers	Kaptur	Sawyer
Coyne	Kennelly	Scarborough
Davis (FL)	Kilpatrick	Shadegg
Davis (IL)	Kind (WI)	Solomon
DeFazio	Levin	Strickland
Delahunt	Lewis (GA)	Stupak
DeLauro	Lowey	Tauscher
Deutsch	Markey	Tierney
Doggett	Martinez	Torres
Eshoo	McCarthy (MO)	Towns
Evans	McDermott	Velazquez
Farr	McGovern	Vento
Fattah	McNulty	Visclosky
Fazio	Miller (CA)	Waters
Filner	Mink	Waxman
Ford	Myrick	Woolsey
Frank (MA)		

NAYS—334

Aderholt	Burton	Dellums
Archer	Buyer	Diaz-Balart
Armey	Callahan	Dickey
Bachus	Calvert	Dicks
Baesler	Camp	Dingell
Baker	Campbell	Dixon
Baldacci	Canady	Dooley
Ballenger	Cannon	Doolittle
Barcia	Capps	Doyle
Barr	Cardin	Dreier
Barrett (NE)	Carson	Duncan
Bartlett	Castle	Dunn
Barton	Chabot	Ehlers
Bass	Chambliss	Ehrlich
Bateman	Chenoweth	Emerson
Bentsen	Christensen	Engel
Bereuter	Clay	English
Berman	Clayton	Ensign
Bilbray	Coble	Etheridge
Bilirakis	Coburn	Everett
Bishop	Collins	Ewing
Blagojevich	Combest	Fawell
Bliley	Condit	Flake
Blumenauer	Cook	Foley
Blunt	Cooksey	Forbes
Boehlert	Costello	Fowler
Boehner	Cramer	Fox
Bono	Crane	Franks (NJ)
Boswell	Crapo	Frelinghuysen
Boucher	Cubin	Frost
Boyd	Cummings	Furse
Brady	Cunningham	Gallegly
Brown (CA)	Danner	Ganske
Brown (FL)	Davis (VA)	Gekas
Bryant	Deal	Gilchrest
Bunning	DeGette	Gillmor
Burr	DeLay	Gilman
Goode	Manzullo	Rush
Goodlatte	Mascara	Ryun
Goodling	Matsui	Sabo
Gordon	McCarthy (NY)	Sanchez
Goss	McCollum	Sandlin
Graham	McCrery	Sanford
Granger	McDade	Saxton
Green	McHale	Schaefer, Dan
Greenwood	McHugh	Schaffer, Bob
Gutierrez	McIntosh	Schumer
Gutknecht	McIntyre	Scott
Hall (OH)	McKeon	Sensenbrenner
Hall (TX)	McKinney	Serrano
Hamilton	Meehan	Sessions
Hansen	Meek	Shaw
Hastert	Menendez	Shays
Hastings (WA)	Metcalf	Sherman
Hayworth	Mica	Shimkus
Hefley	Millender-McDonald	Shuster
Herger	Miller (FL)	Sisisky
Hill	Minge	Skaggs
Hilliard	Moakley	Skeen
Hinojosa	Mollohan	Skelton
Hobson	Moran (KS)	Slaughter
Hoekstra	Moran (VA)	Smith (MI)
Holden	Morella	Smith (NJ)
Hooley	Murtha	Smith (OR)
Horn	Nadler	Smith (TX)
Houghton	Neal	Smith, Adam
Hulshof	Nethercutt	Smith, Linda
Hunter	Neumann	Snowbarger
Hutchinson	Ney	Snyder
Hyde	Northup	Souder
Inglis	Norwood	Spence
Istook	Nussle	Spratt
Jenkins	Oberstar	Stabenow
John	Ortiz	Stark
Johnson (CT)	Packard	Stearns
Johnson, Sam	Pappas	Stenholm
Jones	Parker	Stokes
Kanjorski	Pascrell	Stump
Kasich	Paul	Sununu
Kelly	Paxon	Talent
Kennedy (MA)	Pease	Tanner
Kennedy (RI)	Peterson (MN)	Tauzin
Kildee	Peterson (PA)	Taylor (MS)
Kim	Petri	Taylor (NC)
King (NY)	Pickering	Thomas
Kingston	Pickett	Thompson
Kleczka	Pitts	Thornberry
Klink	Pombo	Thune
Klug	Porter	Thurman
Knollenberg	Portman	Tiahrt
Kolbe	Poshard	Traficant
Kucinich	Price (NC)	Turner
LaFalce	Pryce (OH)	Upton
LaHood	Quinn	Walsh
Lampson	Radanovich	Wamp
Lantos	Rahall	Watkins
Latham	Ramstad	Watt (NC)
LaTourette	Redmond	Watts (OK)
Lazio	Regula	Weldon (PA)
Leach	Reyes	Weller
Lewis (CA)	Riggs	Wexler
Lewis (KY)	Riley	Weygand
Linder	Rivers	White
Lipinski	Roemer	Whitfield
Livingston	Rogers	Wicker
LoBiondo	Rohrabacher	Wise
Lofgren	Ros-Lehtinen	Wolf
Lucas	Rothman	Wynn
Luther	Roukema	Yates
Maloney (CT)	Roybal-Allard	Young (AK)
Maloney (NY)	Royce	Young (FL)
Manton		

NOT VOTING—17

Bonilla	Gonzalez	Oxley
Clement	Hastings (FL)	Rogan
Cox	Hefner	Sanders
Edwards	Hinchey	Schiff
Foglietta	Largent	Weldon (FL)
Gibbons	McInnis	

□ 1143

Mr. PEASE and Mr. MCINTOSH changed their vote from ''yea'' to ''nay.''

Mr. RODRIQUEZ changed his vote from ''nay'' to ''yea.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

CONFERENCE REPORT ON H.R. 2266, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1998

Mr. GOSS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 242 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 242

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2266) making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

(Mr. Goss asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. GOSS. Madam Speaker, for the purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, Madam Speaker, all time yielded is for the purpose of debate only on this subject.

Madam Speaker, House Resolution 242 is a very straightforward rule that allows the House to consider the conference report on H.R. 2266 for fiscal year 1998 Department of Defense Appropriations Act. As is customary for this type of legislation, the rule waives all points of order against the conference report and against its consideration. The rule further provides that the conference report shall be considered as read.

Madam Speaker, the chairman and the ranking member of the Subcommittee on National Security, the gentleman from Florida [Mr. YOUNG] and the gentleman from Pennsylvania [Mr. MURTHA], have done outstanding work in bringing forward this legislation. In our Committee on Rules meeting last evening, they received accolades for all of their efforts that went into crafting this extraordinarily important bill, accolades that came from all Members that were heartfelt and well-deserved.

In ensuring that we adequately fund all the necessary elements of our national defense, the gentleman from Florida [Mr. YOUNG] and the gentleman from Pennsylvania [Mr. MURTHA] have worked together in a spirit of bipartisan cooperation that is most fitting for an issue that I believe should always transcend partisan differences, and that is, of course, our national defense. The readiness and morale of our troops, the technical superiority of our equipment, and the integrity of the information that is provided to our warfighters and our policymakers, these are matters that are too important to be sidetracked by political mischief.

As chairman of the House Permanent Select Committee on Intelligence, I have had the great good fortune to work closely with the defense appropriators, moving through the tandem authorization and appropriations dance carefully and deliberately, step by step, to make sure our national intelligence needs are fully met.

I believe the final product the House will consider today, demonstrates that Congress can and will exercise prudent oversight, working in partnership with the Commander in Chief, to protect American lives and interests both at home and abroad. We are clearly showing that we can fulfill this vital obligation within the constraints of a balanced-budget framework.

Everyone knows that there were tough issues to be resolved in this legislation, not just among our House colleagues, but with the other body and the administration as well, among them some big policy questions. Of course, the bill before us today is the product of tough negotiations and some clear compromises from all sides on specific programs and language. That is the way it always has been and always will be. That is why we are here. But this bill says to our friends and our enemies around the world that we will not compromise our core commitment to providing for the best possible national defense for the United States of America and its people. That is the message we must continue to send, and it will be heard.

I hope my colleagues will join me in supporting this rule, which I believe is noncontroversial, and this legislation which is critical to the well-being of our Nation.

Madam Speaker, I reserve the balance of my time.

Mr. FROST. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of this rule and the conference report. The conference report provides the funds for our national security, the funds to defend our borders and our way of life, and the funds to ensure that the United States remains the world's leader in military might.

This conference report lives up to the commitment that this Congress made when we passed the balanced budget this summer, but it also realistically faces and addresses the needs of each of the branches of our armed services. This conference report does not provide for every need, but it certainly addresses priorities and accordingly deserves the support of every Member of this body.

Madam Speaker, this conference agreement continues the Congress' commitment to ensuring that our fighting forces are equipped with the best. This commitment assures, as best we can, that should our Nation become embroiled in a military engagement, our Armed Forces can fight and win with the least number of American casualties as is possible. But more important, Madam Speaker, our Armed Forces represent the best trained and best equipped military in the world, which will make our enemies think twice before provoking a confrontation.

As General Shalikashvili said yesterday in his speech to the National Press Club, ''An ounce of prevention is worth more than a pound of cure.'' This bill provides our military with far more than an ounce of prevention, and hopefully we will not have to test the cure.

This bill ensures that our fighting forces now and in the future will be equipped to fight and win. The conference agreement provides for $2 billion to continue the development of the F–22 fighter, the next generation fighter aircraft for the Air Force. The B–2 bomber funding level has been cut by $176 million from the House-passed amount, but the $331 million in the conference agreement still includes funds which may be used for the procurement of long-lead-term components to restart the B–2 production line. In addition, Madam Speaker, the conference agreement includes $627 million for the procurement in fiscal year 1998 of seven new B–22 Osprey tiltrotor aircraft for the Marine Corps, and an additional $62.1 million for advanced procurement of seven more aircraft in fiscal year 1999.

Madam Speaker, this conference agreement totals $247.7 billion in budget authority and is consistent with the overall fiscal year 1998 defense spending totals agreed to by the President and the Congress in the 1997 budget agreement. I commend the conferees for bringing a good product back to the House and urge passage of this important appropriations bill.

Madam Speaker, I urge adoption of the conference report and I yield back the balance of my time.

Mr. GOSS. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRANK of Massachusetts. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 419, nays 3, not voting 11, as follows:

[Roll No. 441]

YEAS—419

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes

Riggs	Shuster	Thune
Riley	Sisisky	Thurman
Rivers	Skaggs	Tiahrt
Rodriguez	Skeen	Tierney
Roemer	Skelton	Torres
Rogers	Slaughter	Towns
Rohrabacher	Smith (MI)	Traficant
Ros-Lehtinen	Smith (NJ)	Turner
Rothman	Smith (OR)	Upton
Roukema	Smith (TX)	Velazquez
Roybal-Allard	Smith, Adam	Vento
Royce	Smith, Linda	Visclosky
Rush	Snowbarger	Walsh
Ryun	Snyder	Wamp
Sabo	Solomon	Waters
Salmon	Souder	Watkins
Sanchez	Spence	Watt (NC)
Sanders	Spratt	Watts (OK)
Sandlin	Stabenow	Waxman
Sanford	Stark	Weldon (FL)
Sawyer	Stearns	Weller
Saxton	Stenholm	Wexler
Scarborough	Stokes	Weygand
Schaefer, Dan	Strickland	White
Schaffer, Bob	Stump	Whitfield
Schumer	Stupak	Wicker
Scott	Sununu	Wise
Sensenbrenner	Talent	Wolf
Serrano	Tanner	Woolsey
Sessions	Tauscher	Wynn
Shadegg	Taylor (MS)	Yates
Shaw	Taylor (NC)	Young (AK)
Shays	Thomas	Young (FL)
Sherman	Thompson	
Shimkus	Thornberry	

NAYS—3

Manton	Ortiz	Weldon (PA)

NOT VOTING—11

Bonilla	Gonzalez	Rogan
DeGette	Hastings (FL)	Schiff
Foglietta	Linder	Tauzin
Gibbons	McInnis	

□ 1212

Messrs. SHADEGG, VENTO, PITTS, JACKSON of Illinois, and Ms. PRYCE of Ohio changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. YOUNG of Florida. Madam Speaker, pursuant to House Resolution 242, I call up the conference report on the bill (H.R. 2266) making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.

The Clerk read the title of the bill.

□ 1215

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to House Resolution 242, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Tuesday, September 23, 1997, at page H7656.)

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Florida [Mr. YOUNG] and the gentleman from Pennsylvania [Mr. MURTHA] each will control 30 minutes.

Mr. FRANK of Massachusetts. Madam Speaker, is the gentleman from Pennsylvania [Mr. MURTHA] opposed to the bill?

The SPEAKER pro tempore. Is the gentleman from Pennsylvania [Mr. MURTHA] opposed to the conference report?

Mr. MURTHA. Madam Speaker, I support it slightly.

Mr. FRANK of Massachusetts. Madam Speaker, I claim 20 minutes in opposition.

The SPEAKER pro tempore. The gentleman from Florida [Mr. YOUNG], the gentleman from Pennsylvania [Mr. MURTHA], and the gentleman from Massachusetts [Mr. FRANK] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. YOUNG].

GENERAL LEAVE

Mr. YOUNG of Florida. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to accompany H.R. 2266 and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. YOUNG of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would just like to point out that this has been a rather grueling task to get us to the point where we are today. And with the strong cooperation of the members of the subcommittee on our side, on the Republican side, and on the Democratic side led by the gentleman from Pennsylvania [Mr. MURTHA], the tremendous work of our staff with the principal staffer director Kevin Roper and the staff that worked with him, as well as Greg Dahlberg, who is the principal staffer of the gentleman from Pennsylvania [Mr. MURTHA], we have put together what I think is an excellent defense bill, with one major problem.

The major problem is there are so many other items that we ought to be considering and providing for in this bill that we do not because the 602(b) allocations were not adequate to fund the necessary things that we felt were important to our Nation's security and also to the welfare and the care of those who serve in uniform.

But because of the strong work done by all of those folks involved, we have a good bill. It provides the prioritized requirements of the Defense Department for all of the services. It makes a very strong statement on providing what is needed for quality of life for those who wear the uniform in defense of our Nation.

Without going into a lot of detail, the bill is pretty much like it was when it passed the House before, with the exception that by the time we got to conference, our 602 allocation was reduced, so we had to reduce the number in the bill by over $600 million.

Now, despite all of that, we came to conference nearly $9 billion apart on specific items. Because of the very good cooperation with our counterparts, and I want to specifically mention Senator STEVENS and Senator INOUYE and the Members on the Senate side, we have crafted a conference report that is, in my opinion, one of the best we have presented to the House.

At this point I would like to insert a summary of the conference agreement for the RECORD.

DEPARTMENT OF DEFENSE APPROPRIATIONS BILL, 1998 (H.R. 2266)

	FY 1997 Enacted 3/	FY 1998 Estimate 2/	House	Senate	Conference	Conference compared with enacted
TITLE I						
MILITARY PERSONNEL						
Military Personnel, Army	20,633,998,000	20,492,257,000	20,445,381,000	20,426,457,000	20,452,057,000	-181,941,000
Military Personnel, Navy	16,986,976,000	16,501,118,000	16,504,911,000	16,508,218,000	16,493,518,000	-493,458,000
Military Personnel, Marine Corps	6,111,728,000	6,147,599,000	6,141,635,000	6,148,899,000	6,137,899,000	+26,171,000
Military Personnel, Air Force	17,069,490,000	17,154,556,000	17,044,874,000	17,206,056,000	17,102,120,000	+32,630,000
Reserve Personnel, Army	2,073,479,000	2,024,446,000	2,045,615,000	2,037,046,000	2,032,046,000	-41,433,000
Reserve Personnel, Navy	1,405,606,000	1,375,401,000	1,377,249,000	1,374,901,000	1,376,601,000	-29,005,000
Reserve Personnel, Marine Corps	388,643,000	381,070,000	391,953,000	384,770,000	391,770,000	+3,127,000
Reserve Personnel, Air Force	783,697,000	814,936,000	814,772,000	815,745,000	815,915,000	+32,218,000
National Guard Personnel, Army	3,266,393,000	3,200,667,000	3,245,387,000	3,446,867,000	3,333,867,000	+67,474,000
National Guard Personnel, Air Force	1,296,490,000	1,319,712,000	1,331,417,000	1,334,712,000	1,334,712,000	+38,222,000
Total, title I, Military Personnel	70,016,500,000	69,411,762,000	69,343,194,000	69,683,671,000	69,470,505,000	-545,995,000
TITLE II						
OPERATION AND MAINTENANCE						
Operation and Maintenance, Army	17,519,340,000	17,049,484,000	17,078,218,000	16,913,473,000	16,754,306,000	-765,034,000
(By transfer - National Defense Stockpile)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	.....
Operation and Maintenance, Navy	20,061,961,000	21,508,130,000	21,779,365,000	21,576,419,000	21,617,766,000	+1,555,805,000
(By transfer - National Defense Stockpile)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	.....
Operation and Maintenance, Marine Corps	2,254,119,000	2,301,345,000	2,598,032,000	2,328,535,000	2,372,635,000	+118,516,000
Operation and Maintenance, Air Force	17,263,193,000	18,817,785,000	18,740,167,000	18,592,385,000	18,492,883,000	+1,229,690,000
(By transfer - National Defense Stockpile)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	.....
Operation and Maintenance, Defense-Wide	10,044,200,000	10,390,938,000	10,053,956,000	10,399,638,000	10,369,740,000	+325,540,000
Operation and Maintenance, Army Reserve	1,119,436,000	1,192,891,000	1,207,891,000	1,212,891,000	1,207,891,000	+88,455,000
Operation and Maintenance, Navy Reserve	886,027,000	834,711,000	924,711,000	834,211,000	921,711,000	+35,684,000
Operation and Maintenance, Marine Corps Reserve	109,667,000	110,366,000	119,266,000	110,366,000	116,366,000	+6,699,000
Operation and Maintenance, Air Force Reserve	1,496,553,000	1,624,420,000	1,635,250,000	1,631,200,000	1,632,030,000	+135,477,000
Operation and Maintenance, Army National Guard	2,254,477,000	2,258,932,000	2,313,632,000	2,449,932,000	2,419,632,000	+165,155,000
Operation and Maintenance, Air National Guard	2,716,379,000	2,991,219,000	2,995,719,000	3,010,282,000	3,013,282,000	+296,903,000
Overseas Contingency Operations Transfer Fund	1,140,157,000	1,467,500,000	1,855,400,000	1,889,000,000	1,884,000,000	+743,843,000
United States Court of Appeals for the Armed Forces	6,797,000	6,952,000	6,952,000	6,952,000	6,952,000	+155,000
Environmental Restoration, Army	339,109,000	377,337,000	377,337,000	375,337,000	375,337,000	+36,228,000
Environmental Restoration, Navy	287,788,000	277,500,000	277,500,000	275,500,000	275,500,000	-12,288,000
Environmental Restoration, Air Force	394,010,000	378,900,000	378,900,000	376,900,000	376,900,000	-17,110,000
Environmental Restoration, Defense-Wide	36,722,000	27,900,000	27,900,000	26,900,000	26,900,000	-9,822,000
Environmental Restoration, Formerly Used Defense Sites	256,387,000	202,300,000	202,300,000	242,300,000	242,300,000	-14,087,000
Overseas Humanitarian, Disaster, and Civic Aid	49,000,000	80,130,000	55,557,000	40,130,000	47,130,000	-1,870,000
Former Soviet Union Threat Reduction	327,900,000	382,200,000	284,700,000	382,200,000	382,200,000	+54,300,000
Quality of Life Enhancements, Defense	600,000,000	.....	.....	100,000,000	360,000,000	-240,000,000
Total, title II, Operation and maintenance	79,163,222,000	82,280,940,000	82,912,753,000	82,774,551,000	82,895,461,000	+3,732,239,000
(By transfer)	(150,000,000)	(150,000,000)	(150,000,000)	(150,000,000)	(150,000,000)	.....
TITLE III						
PROCUREMENT						
Aircraft Procurement, Army	1,348,434,000	1,029,459,000	1,541,217,000	1,356,959,000	1,346,317,000	-2,117,000
(By transfer - National Defense Stockpile)	.....	(133,000,000)	.....	.....	.....	.....
Missile Procurement, Army	1,041,867,000	1,178,151,000	771,942,000	1,173,081,000	762,409,000	-279,458,000
Procurement of Weapons and Tracked Combat Vehicles, Army	1,470,286,000	1,065,707,000	1,332,907,000	1,156,506,000	1,298,707,000	-171,579,000
Procurement of Ammunition, Army	1,127,149,000	890,902,000	1,062,802,000	1,042,602,000	1,037,202,000	-89,947,000
Other Procurement, Army	3,172,485,000	2,455,030,000	2,502,886,000	2,783,735,000	2,679,130,000	-493,355,000
Aircraft Procurement, Navy	7,027,010,000	5,951,965,000	6,753,465,000	6,312,937,000	6,535,444,000	-491,566,000
(By transfer - National Defense Stockpile)	.....	(134,000,000)	.....	.....	.....	.....
Weapons Procurement, Navy	1,389,913,000	1,136,293,000	1,175,393,000	1,138,393,000	1,102,193,000	-287,720,000
Procurement of Ammunition, Navy and Marine Corps	289,695,000	336,797,000	423,797,000	344,797,000	397,547,000	+107,852,000
Shipbuilding and Conversion, Navy	5,613,665,000	7,438,158,000	7,628,158,000	8,510,458,000	8,235,591,000	+2,621,926,000
Other Procurement, Navy	3,067,944,000	2,825,500,000	3,084,485,000	2,832,800,000	3,144,205,000	+76,261,000
Procurement, Marine Corps	569,073,000	374,306,000	491,198,000	440,106,000	482,398,000	-86,675,000
Aircraft Procurement, Air Force	6,404,980,000	5,684,847,000	6,386,479,000	6,390,847,000	6,480,983,000	+76,003,000
(By transfer - National Defense Stockpile)	.....	(133,000,000)	.....	.....	.....	.....
Missile Procurement, Air Force	2,297,145,000	2,557,741,000	2,320,741,000	2,411,741,000	2,394,202,000	+97,057,000
Procurement of Ammunition, Air Force	293,153,000	403,984,000	414,884,000	400,984,000	398,534,000	+105,381,000
Other Procurement, Air Force	5,944,680,000	6,561,253,000	6,588,939,000	6,653,053,000	6,592,909,000	+648,229,000
Procurement, Defense-Wide	1,978,005,000	1,695,085,000	2,186,669,000	1,753,285,000	2,106,444,000	+128,439,000
National Guard and Reserve Equipment	780,000,000	.....	850,000,000	653,000,000	653,000,000	-127,000,000
Total, title III, Procurement	43,815,484,000	41,585,178,000	45,515,962,000	45,355,284,000	45,647,215,000	+1,831,731,000
(By transfer)	.....	(400,000,000)	.....	.....	.....	.....

DEPARTMENT OF DEFENSE APPROPRIATIONS BILL, 1998 (H.R. 2266) — continued

	FY 1997 Enacted 3/	FY 1998 Estimate 2/	House	Senate	Conference	Conference compared with enacted
TITLE IV						
RESEARCH, DEVELOPMENT, TEST AND EVALUATION						
Research, Development, Test and Evaluation, Army	5,062,763,000	4,510,843,000	4,686,427,000	4,984,083,000	5,156,507,000	+93,744,000
Research, Development, Test and Evaluation, Navy	8,208,946,000	7,611,022,000	7,907,837,000	7,532,846,000	8,115,686,000	-93,260,000
Research, Development, Test and Evaluation, Air Force	14,499,606,000	14,451,379,000	14,313,456,000	14,127,873,000	14,507,804,000	+8,198,000
Research, Development, Test and Evaluation, Defense-Wide	9,362,800,000	9,069,680,000	9,509,337,000	9,608,689,000	9,821,760,000	+458,960,000
Developmental Test and Evaluation, Defense	282,038,000	268,183,000	268,183,000	251,183,000	258,183,000	-23,855,000
Operational Test and Evaluation, Defense	24,968,000	23,384,000	32,684,000	31,384,000	31,384,000	+6,416,000
Total, title IV, Research, Development, Test and Evaluation..	37,441,121,000	35,934,491,000	36,717,924,000	36,536,058,000	37,891,324,000	+450,203,000
TITLE V						
REVOLVING AND MANAGEMENT FUNDS						
DBOF/Defense Working Capital Funds	947,900,000	33,400,000	971,952,000	871,952,000	971,952,000	+24,052,000
Military Commissary Fund, Defense		938,552,000				
National Defense Sealift Fund:						
Ready Reserve Force	266,000,000	302,000,000	302,000,000	278,000,000	302,000,000	+36,000,000
Acquisition	1,162,002,000	889,426,000	897,926,000	238,126,000	772,948,000	-389,054,000
Total	1,428,002,000	1,191,426,000	1,199,926,000	516,126,000	1,074,948,000	-353,054,000
Total, title V, Revolving and Management Funds	2,375,902,000	2,163,378,000	2,171,878,000	1,388,078,000	2,046,900,000	-329,002,000
TITLE VI						
OTHER DEPARTMENT OF DEFENSE PROGRAMS						
Defense Health Program:						
Operation and maintenance	9,937,838,000	10,027,582,000	10,035,682,000	10,043,607,000	10,095,007,000	+157,169,000
Procurement	269,470,000	274,068,000	274,068,000	274,068,000	274,068,000	+4,598,000
Total, Defense Health Program	10,207,308,000	10,301,650,000	10,309,750,000	10,317,675,000	10,369,075,000	+161,767,000
Chemical Agents and Munitions Destruction, Defense: 1/						
Operation and maintenance	478,947,000	472,200,000	472,200,000	467,200,000	462,200,000	-16,747,000
Procurement	191,200,000	82,200,000	67,200,000	77,200,000	72,200,000	-119,000,000
Research, development, test, and evaluation	88,300,000	66,300,000	56,300,000	70,300,000	66,300,000	-22,000,000
Economic assumptions				-5,000,000		
Total, Chemical Agents	758,447,000	620,700,000	595,700,000	609,700,000	600,700,000	-157,747,000
Drug Interdiction and Counter-Drug Activities, Defense	807,800,000	652,582,000	713,082,000	691,482,000	712,882,000	-94,918,000
Office of the Inspector General	139,157,000	138,380,000	142,980,000	135,380,000	138,380,000	-777,000
Total, title VI, Other Department of Defense Programs	11,912,712,000	11,713,312,000	11,761,512,000	11,754,237,000	11,821,037,000	-91,675,000
TITLE VII						
RELATED AGENCIES						
Central Intelligence Agency Retirement and Disability System Fund	196,400,000	196,900,000	196,900,000	196,900,000	196,900,000	+500,000
Intelligence Community Management Account	129,164,000	122,580,000	125,580,000	122,580,000	121,080,000	-8,084,000
Transfer to Dept of Justice	(27,000,000)	(27,000,000)	(27,000,000)		(27,000,000)	
Payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund	10,000,000	10,000,000	10,000,000	35,000,000	35,000,000	+25,000,000
National Security Education Trust Fund	5,100,000	2,000,000	2,000,000	2,000,000	2,000,000	-3,100,000
Total, title VII, Related agencies	340,664,000	331,480,000	334,480,000	356,480,000	354,980,000	+14,316,000
TITLE VIII						
GENERAL PROVISIONS						
Additional transfer authority (sec. 8005)	(2,000,000,000)	(2,500,000,000)	(2,000,000,000)	(2,000,000,000)	(2,000,000,000)	
Indian Financing Act incentives (sec. 8024)				8,000,000	8,000,000	+8,000,000
Disposal & lease of DOD real property (sec. 8044)	26,565,000	64,000,000	64,000,000	64,000,000	64,000,000	+37,435,000
Overseas Military Fac Investment Recovery (sec. 8049)	1,000,000	30,000,000	30,000,000	30,000,000	30,000,000	+29,000,000
National Science Center, Army (sec. 8057)	120,000					-120,000
Export loan guarantee PGM (sec. 8081)	1,000,000	1,000,000		1,000,000	1,000,000	
Rescissions (sec. 8064)	-137,108,000		-160,100,000	-94,700,000	-176,100,000	-38,992,000
Coast Guard transfer	300,000,000			300,000,000		-300,000,000
Navy/Air Force flying hour offset				-600,000,000		
Flying Hour/readiness offset (sec. 8043)					-1,253,000,000	-1,253,000,000
Excess funded carryover	-150,000,000					+150,000,000
RDT&E general reduction	-680,552,000					+680,552,000
Air Force DBOF pass through	-194,500,000					+194,500,000
FFRDC's/consultants (sec. 8035)	-154,572,000		-141,300,000	-71,800,000	-71,800,000	+82,772,000
Advisory and assistance services (sec. 8041)				-300,000,000	-300,000,000	-300,000,000
Weapons of Mass Destruction	100,000,000					-100,000,000

DEPARTMENT OF DEFENSE APPROPRIATIONS BILL, 1998 (H.R. 2266) — continued

	FY 1997 Enacted 3/	FY 1998 Estimate 2/	House	Senate	Conference	Conference compared with enacted
Anti-terrorism, counter-terrorism, and security enhancement activities:						
Emergency funding, FY 1997	230,680,000					-230,680,000
General reduction	-230,680,000					+230,680,000
RDT&E, Def-Wide dual-use program	100,000,000	2,000,000	2,000,000		2,000,000	-98,000,000
Fisher Houses (sec. 8100)		1,000,000	1,000,000		1,000,000	+1,000,000
Travel Cards (sec. 8101)		5,000,000	5,000,000		5,000,000	+5,000,000
Warranties (sec. 8106)			-50,000,000		-75,000,000	-75,000,000
Excess Inventory (sec. 8105)			-100,000,000		-100,000,000	-100,000,000
Shared Cleanup Costs			-73,000,000			
National Missile Defense Offset (sec. 8048)					-474,000,000	-474,000,000
Intrepid (sec. 8097)					13,000,000	+13,000,000
Expiring Balances (sec. 8127)					-100,000,000	-100,000,000
National Security Strategy Study Group (sec. 8130)					3,000,000	+3,000,000
Lexington Bluegrass (sec. 8128)					4,000,000	+4,000,000
Total, title VIII	-788,047,000	103,000,000	-422,400,000	-663,500,000	-2,418,900,000	-1,630,853,000
Effect of P.L. 105-18:						
Rescissions, FY93 - FY96	-464,102,000					+464,102,000
Rescissions, FY 1997	-1,270,050,000					+1,270,050,000
Emergency funding	1,846,200,000					-1,846,200,000
Non-emergency funding	76,800,000					-76,800,000
Net total effect of P.L. 105-18	188,848,000					-188,848,000
Grand total	244,466,406,000	243,523,541,000	248,335,303,000	247,184,859,000	247,708,522,000	+3,242,116,000
(By transfer)	(177,000,000)	(577,000,000)	(177,000,000)	(150,000,000)	(177,000,000)	
BUDGET SCOREKEEPING ADJUSTMENTS						
Adjustment for unapprop'd balance transfer (Stockpile)	150,000,000	550,000,000	150,000,000	150,000,000	150,000,000	
Stockpile collections (unappropriated)	-150,000,000	-150,000,000	-150,000,000	-150,000,000	-150,000,000	
Emergency funding for anti-terrorism	-230,680,000					+230,680,000
Emergency funding (P.L. 105-18)	-1,846,000,000					+1,846,000,000
Total adjustments	-2,076,680,000	400,000,000				+2,076,680,000
RECAPITULATION						
Title I - Military Personnel	70,016,500,000	69,411,762,000	69,343,194,000	69,683,671,000	69,470,505,000	-545,995,000
Title II - Operation and Maintenance	79,163,222,000	82,280,940,000	82,912,753,000	82,774,551,000	82,895,461,000	+3,732,239,000
(By transfer)	(150,000,000)	(150,000,000)	(150,000,000)	(150,000,000)	(150,000,000)	
Title III - Procurement	43,815,484,000	41,585,178,000	45,515,962,000	45,355,284,000	45,647,215,000	+1,831,731,000
(By transfer)		(400,000,000)				
Title IV - Research, Development, Test and Evaluation	37,441,121,000	35,934,491,000	36,717,924,000	36,536,058,000	37,891,324,000	+450,203,000
Title V - Revolving and Management Funds	2,375,902,000	2,163,378,000	2,171,878,000	1,388,078,000	2,046,900,000	-329,002,000
Title VI - Other Department of Defense Programs	11,912,712,000	11,713,312,000	11,761,512,000	11,754,237,000	11,821,037,000	-91,675,000
Title VII - Related agencies	340,664,000	331,480,000	334,480,000	356,480,000	354,980,000	+14,316,000
Title VIII - General provisions	-788,047,000	103,000,000	-422,400,000	-663,500,000	-2,418,900,000	-1,630,853,000
(Additional transfer authority)	(2,000,000,000)	(2,500,000,000)	(2,000,000,000)	(2,000,000,000)	(2,000,000,000)	
Net effect of P.L. 105-18	188,848,000					-188,848,000
Total, Department of Defense	244,466,406,000	243,523,541,000	248,335,303,000	247,184,859,000	247,708,522,000	+3,242,116,000
Scorekeeping adjustments	-2,076,680,000	400,000,000				+2,076,680,000
Grand total	242,389,726,000	243,923,541,000	248,335,303,000	247,184,859,000	247,708,522,000	+5,318,796,000
Allocation recap (sec. 302b):						
Mandatory	196,400,000	196,900,000	196,900,000	196,900,000	196,900,000	+500,000
Discretionary:						
Non-defense		27,000,000	27,000,000		27,000,000	+27,000,000
Defense	242,193,326,000	243,699,641,000	248,111,403,000	246,987,959,000	247,484,622,000	+5,291,296,000
Emergency funding (P.L. 105-18)	-1,846,000,000					+1,846,000,000
Total Defense	242,193,326,000	243,699,641,000	248,111,403,000	246,987,959,000	247,484,622,000	+5,291,296,000
Total discretionary	242,193,326,000	243,726,641,000	248,138,403,000	246,987,959,000	247,511,622,000	+5,318,296,000
Grand total	242,389,726,000	243,923,541,000	248,335,303,000	247,184,859,000	247,708,522,000	+5,318,796,000

1/ Included in Budget under Procurement title.

2/ FY 1998 budget request reflects a budget amendment to cover a shortfall in the DHP, as follows: Military Personnel -$62,000,000; O&M -$199,000,000 and Defense Health Program +$261,000,000.

3/ FY 1997 enacted reflects new budget authority of $1,923,000,000 and rescissions of $1,734,152,000, as enacted in P.L. 105-18.

Mr. DICKS. Madam Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Washington.

Mr. DICKS. Madam Speaker, I would like to engage the gentleman from Florida [Mr. YOUNG], the chairman of the committee, in a colloquy on a matter of great concern to me.

This conference report reduces the budget request for operating the Defense Airborne Reconnaissance Office, or DARO, by about $14 million. In taking this action, it is my understanding that the conferees were silent regarding changes in the subordination, mission, size, and structure of this office. As I understand it, these matters relating to DARO will be addressed in the defense authorization conference, which has not yet concluded.

Is this the understanding of the gentleman from Florida [Mr. YOUNG], the distinguished chairman?

Mr. YOUNG of Florida. Madam Speaker, reclaiming my time, I would say to the gentleman from Washington [Mr. DICKS] that that is correct. That is my understanding and that is my intent.

Mr. DICKS. Madam Speaker, if the gentleman would continue to yield, I would also then like to ask my colleague whether it is his view that, should the Secretary of Defense choose to seek approval for a reprogramming action for any or all of this $14 million, the committee would be willing to consider such a request, depending, of course, on the outcome of the authorization conference?

Mr. YOUNG of Florida. Madam Speaker, reclaiming my time, again I would say to my colleague, if the Secretary decides that this is a high priority item, I definitely would consider a request for reprogramming under our usual procedures.

Mr. SISISKY. Madam Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Virginia.

Mr. SISISKY. Madam Speaker, I would like to engage the gentleman from Florida [Mr. YOUNG], chairman of the committee, in a matter that is of concern to me.

I understand there is report language in this bill which requires the Navy to report back to the Congress on the impact pilot program now being conducted at Pearl Harbor Naval Shipyard. I would simply ask the chairman to clarify the intent of this language. Is the language in fact directed solely at Pearl Harbor Naval Shipyard?

Mr. YOUNG of Florida. Madam Speaker, reclaiming my time, I would respond to the question of the gentleman from Virginia [Mr. SISISKY] by saying yes and say to him that this language addresses only the notion of combining a Fleet Intermediate Maintenance Facility with a naval shipyard at Pearl Harbor Naval Shipyard. This language is not intended to, in any way, impact ongoing regional maintenance activities at any other shipyard.

Mr. BOEHLERT. Madam Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, in section 8123 of the conference report, the Secretary of Defense is given the authority to waive Buy American restrictions under certain conditions. I am very concerned about the potential economic impact that would result if the Secretary uses this authority in the area of specialty metals.

To avoid any negative impact, I believe the Secretary should not waive the Buy American restrictions for products classified under the headings of 8211 through 8215 in the Harmonized Tariff Schedule.

Mr. YOUNG of Florida. Madam Speaker, reclaiming my time, I agree with the gentleman from New York [Mr. BOEHLERT]. The committee would be gravely concerned if the Secretary waived Buy American provisions for those products. And I would say to the gentleman that we believe that the conference report actually strengthens the Buy American situation as it exists today.

Mr. BOEHLERT. Madam Speaker, if the gentleman from Florida [Mr. YOUNG] would continue to yield, I appreciate his attention to this vital concern.

Mr. YOUNG of Florida. Madam Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I believe the conference committee did, given what it had to work with, a very good job. I was particularly pleased that they have adopted language which will enable the President to refuse to go ahead with any new B–2 bombers. I assume, given the President's strong position on this and the Pentagon's opposition to new B–2 bombers, that he will in fact use this authority and we will not be further committing to the construction of new B–2 bombers.

But there is still a fundamental problem with the bill. I want to talk about two of them. First, it continues to spend too much money. Roughly 50 percent of the discretionary spending allowed to the Federal Government under the recently signed budget deal will be consumed by the military and related intelligence functions. Every other function of the Government, environment, public safety here at home, transportation, they are all going to suffer increasingly from inadequate funding.

I am a supporter of the efforts of the gentleman from Pennsylvania [Mr. SHUSTER], who chairs the Committee on Transportation and Infrastructure, to get more funding for highway and transit funds. I believe we have a very serious problem here which could be alleviated in part by increased funding.

I think we would better serve the true security needs of the American people by diverting some of the funds that now go for national security in the strictly military sense to improving our security here through improving our infrastructure.

There are a number of things in the bill that I would object to. But I want to talk about one particular area where we are spending tens of billions, wholly unnecessarily, and not because of any national security need of the United States, properly understood.

This bill, not through the fault necessarily of the Members here, but because this administration, as every one before it, has acquiesced in a policy of allowing our Western European allies and some of our Asian allies to take a free ride on the U.S. Government.

Let me give an example. We are about, once again, to get into a debate about pulling out of Bosnia. I voted to have the American troops withdraw from Bosnia. I voted to have American troops withdrawn in December. I think we should be proud of the intervention that we made that stopped a serious loss of life, and I think they have made some progress towards improvement, although I am not hopeful that we will ultimately get where we should be.

But there are two separate questions that are being treated as one. First, should there be a continued presentation of military forces in Bosnia to try to enforce basic human rights? And second, must the United States be a part of it?

The United States, without any help from our European allies, stands in South Korea along with the South Koreans, as we have to these days, to deter and, hopefully it will not happen, but if necessary, to repel an attack from North Korea.

The United States takes the leading military role with very little help from our European allies in trying to enforce peace in the Middle East, confronting the Iraqi and Iranian regimes. The United States, of course, takes the leading role in our own hemisphere, in Haiti and elsewhere.

Mr. Speaker, is it never Europe's turn? Is there never a time when we can ask our Western European allies to carry on without us? And I know what they are now saying. They are saying that there will not be a European military presence in Bosnia unless the United States is a part of it.

I think we should do our part, and I think it is important to be there. But I do not understand why our wealthy European allies cannot take on their share of the burden. And I say this for this reason: If we look at military expenditures as a percentage of gross domestic product, as a percentage of Government expenditures, the U.S. percentage dwarfs our European allies.

I believe, by the way, that the problem is not that they spend too little but that we spend too much. I am not asking them to get up to our level. I am saying that a situation in which they pressure us to spend excessively is a mistake. I do believe with regard to

the Bosnian situation that it is fair for us to ask Germany, Italy, France, England, and the Scandinavian countries and the Benelux countries and others to do this. I do not understand why they are not capable without us of dealing with Western Europe.

We have the obligation in the Middle East. We have the obligation in Haiti. We have the obligation in South Korea. I support our involvement in all those areas. But I do not understand why we allow it to be so one-sided.

And it is not simply Bosnia that is the problem. The Bosnian situation, if that were the only one, it would not cause such a great problem. The problem is this: We continue to spend tens of billions of dollars for the military defense of Western Europe. We cannot know exactly how much because they will not tell us.

That is wasted money. It is spent for very brave people. It is spent for very good equipment. The problem is not the people and equipment. The problem is there is no necessity. The only reason we are militarily committed to the defense of Western Europe is cultural lack.

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There was a serious threat 50 years ago to European countries from a totalitarian aggressive regime, and they were poor and not able to defend themselves. That threat has disappeared. They are now wealthy. And we continue to spend. I cite the Bosnian thing only because it is an example of the mindset that Europe cannot defend itself.

As I said, I am not asking for a considerable expenditure increase in Europe. I am saying that the Europeans should understand, and we ought to take the lead in cutting back substantially on the American military presence in Western Europe which serves no purpose from the standpoint of defense.

If we are talking about the need for bases which can go forward into other areas, then let us do it on that score. But that is not what has happened. What has happened is that we continue to plan for a defense of Western Europe militarily, and what we really ought to have is an essay contest, Madam Speaker. Let us have an essay contest and give a prize to anybody who can identify that threat to Western Europe that we are spending tens of billions of dollars to deter, because that is what is happening, and we are doing it at the cost here of important programs.

If you live in Western Europe and you lose your job, you do not have to worry about losing your health care. In fact, some people believe that Western Europe is not doing enough to allow for some instability in jobs. But one thing we know is if people lose their jobs in Western Europe, they will not lose their health care. If you lose your job in America, you probably lose your health care, particularly if you are in the manufacturing area. Why can the Europeans afford to do so much more with health care than we can? Because we are defending them militarily against a nonexistent threat.

So I want to be clear. I am not insisting that they do more, I am insisting that they take responsibility for their own defense. Indeed, I think nothing we could do would more graphically improve the sense of security in Western Europe than to tell them that they were in charge of their own defense, because I guarantee you that if we told the Western Europeans they were in charge of their own military defense, they would suddenly feel a lot safer than they do today. As long as the American taxpayer is going to pay for their defense, they are very insecure, and they tell us we need to be there. If they were told that they were in charge of their own defense, I think they would acknowledge the fact that they are not threatened, and they could maintain a reasonable level.

Let me make a connection, Madam Speaker. We are debating here the question of fast track. We are debating the question of international trade. One of the reasons you have so much resistance on the part of American workers, which I share, to further international trade is that we now leave them unprotected if they happen to be the losers when international trade goes forward. And there will be winners and losers. I believe there will probably be more winners than losers, but there will be losers. We have a social and economic system now that leaves the losers unprotected. Increase the social safety net for those who will be the losers in the transitional impact in international trade, and you cut back their resistance.

When John Kennedy launched the Alliance for Progress, he looked back to Franklin Roosevelt's good neighbor policy in Latin America, and he said, talking about how Roosevelt had pioneered internationalism economically, Franklin Roosevelt could be a good neighbor abroad because he was a good neighbor at home.

Those who want America to be more forthcoming internationally in the economic area have to understand that part of that resistance comes from American workers who feel they will not be fairly treated in the transition. One way to do that is to stop committing tens of billions of dollars, as this bill continues to do, for the military defense of our wealthy allies in Western Europe against a nonexistent threat. I would hope that we would change this policy, we would tell our Western European allies that yes, we think the Bosnian thing is important, and we have taken a major role, and American air and sea power would remain available if it had to be called in, but the ground presence in Bosnia ought to be the Western European ground presence.

There is no rational argument why those countries, together having hundreds of millions of people, having the economy they have, could not do that work. That would be a first step in our making substantial reductions in our military expenditures, leaving no vital interest unprotected, putting ourselves at no military disadvantage, but simply adapting to the current reality that our wealthy Western European allies face no threat that they cannot handle themselves, and certainly nothing that justifies the tens of billions of dollars of continued expenditures of American money that comes out of other important programs, or out of deficit reduction, or out of tax reduction. Members would have the choice how to deal with it. For that reason, Madam Speaker, I will oppose this conference report.

Madam Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Madam Speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM] a member of the subcommittee.

Mr. CUNNINGHAM. Madam Speaker, it is amazing for those that talk about the defense budget is too much, that have never served in the armed services and seen hostility or even seen the odd end of a weapon, but yet we ask our men and women to do that every single day. Too much, but our budget is less than it was in 1930.

I agree with the gentleman from Massachusetts. Bosnia, by the time we pull out in June, is going to cost the United States $12 billion. Does it come out of the social programs? No. It comes out of the already limited budget that we have before you today.

I was asked why do we have aircraft that are crashing all over the United States? Listen to this. Air Force; high operational tempo; keeping aging planes going with a lack of maintenance, shrinking budgets; recent series of aircraft accidents according to Air Force officials. We are asking our men and women to fly these machines with one-half the flying time that they should. The maintenance on the aircraft is not being done. Yet we do not have the dollars in here to put into it because the dollars that we do have comes out to pay for Bosnia and other contingencies.

In Haiti, Aristide is still there. Aideed's son is in Somalia. That costs billions of dollars; not out of social programs, but defense.

Our committee has done a good job, but when people sit back and say that we are spending too much on defense, I would ask you to take a look at what our kids are doing. We have not bought a new Air Force fighter in 25 years. The SU–27, the SU–35 and the SU–37, the Russian airplane, outclasses, outperforms our F–14 and our F–15. The AA–12 and the AA–10 missile that the Russians have outclasses our best AMRAAM missile, but yet the cold war is over. And they are shipping them to China and every country that is a potential threat to our men and women. Are we spending enough, Madam Speaker? Absolutely not.

Mr. FRANK of Massachusetts. Madam Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. CONYERS].

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Madam Speaker, I would like to commend the leaders of the Committee on National Security. It looks like the B–2, which I was going to spend a lot more of my attention than is now going to be necessary, is moving toward its well-deserved fate, and all of you have had something to do with it. I still have problems with this two-war strategy that now fuels a $250 billion military piece. I think that is a little too much. The *Seawolf* submarine, the nuclear submarine, when I was the chairman, we were holding hearings on the *Seawolf* submarine. Star Wars has been reconfigured at least a half a dozen times. They throw it out, reinvent it, and come up with some more stuff. There are too many F–22s. In other words, there is way too much, $247 billion worth, in this kind of global situation that we find ourselves in.

Madam Speaker, it is too much dough. We have got to cut it down. We have got to reduce it. I hope that you who lead this committee will continue to give that at least if not your undivided attention, more of your attention. I thank the gentleman for yielding me this time.

Mr. MURTHA. Madam Speaker, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Madam Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Madam Speaker, I yield myself such time as I may consume only to say again that this is a good bill. It meets most of the needs of the Department of Defense and those who serve in the uniform.

Again, I want to express my appreciation to the gentleman from Pennsylvania [Mr. MURTHA] for the tremendous support and cooperation that we gave each other and all the members of the subcommittee, Mr. MCDADE, Mr. LEWIS, Mr. SKEEN, Mr. HOBSON, Mr. BONILLA, Mr. NETHERCUTT, Mr. ISTOOK, Mr. CUNNINGHAM, Mr. DICKS, Mr. HEFNER, Mr. SABO, Mr. DIXON, and Mr. VISCLOSKY. I want to also compliment the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Wisconsin [Mr. OBEY] for having helped us through some difficult times when some major decisions had to be made.

Mrs. MALONEY of New York. Madam Speaker, I rise today to declare my pride at the inclusion of $160 million for breast cancer-related research in the fiscal year 1998 Defense appropriations bill. This figure represents a significant 42-percent increase over last year's appropriation. Breast cancer research has long been an important priority of mine, as well as of my colleagues in the Congressional Caucus for Women's Issues. I am pleased our voices are being heard.

The Department of Defense's peer-reviewed breast cancer research program is well known, both for its vital work in fighting this disease and its innovative and efficient use of resources. In fact, over 90 percent of program funds go directly to research grants.

The emphasis on research is crucial, for while there have been several significant advances we still know relatively little about preventing breast cancer, and treatment options are few. Unfortunately, American women still face a one in eight chance of developing breast cancer during their lifetime. With nearly 200,000 cases diagnosed last year, breast cancer is the most common form of cancer among women. In fact, it accounts for one of every three cancer diagnoses among women.

In order to make the most of recent discoveries, and to improve the lives of future generations of women, we need measures like this that invest in breast cancer research. I am also happy to note that this bill has increased funding for HIV and prostate cancer research as well.

I was especially pleased earlier this year when this Congress included my bill, the Breast Cancer Early Detection Act of 1997, in the Balanced Budget Agreement. Prior to passage of this measure, annual mammograms were covered for Medicare-eligible women between ages 50 and 65. However, after age 65 Medicare only allowed for a mammogram every other year.

This policy ran counter to the research, which has found that 80 percent of all cancer occurs in women over 50. My bipartisan bill ensured that Medicare provided coverage for annual mammograms for all women.

I applaud Congress on these wise investments. They provide hope to American women and their families, and will provide the ultimate return: saving women's lives.

Mr. HILLEARY. Madam Speaker, I rise in support of this conference report. I want to thank the distinguished chairman of the National Security Subcommittee on Appropriations for his hard work during the negotiations to fight for the House's position on Bosnia.

Since November 1995, we have seen the administration break promise after promise and kick the can down the road, on a definite U.S. troop withdrawal date.

The first mission was IFOR—the implementation force; currently it is SFOR—the stabilization force; next to come is DFOR—the deterrence force.

Why just yesterday, Secretary of State Albright said ''We do have a long-term interest in Bosnia—strategic as well as humanitarian.''

What is next Madam Speaker, EFOR—the eternal force?

This past June, the House spoke clearly and overwhelmingly to hold the President to his June 1998 exit date—the third such date he has told the American people he would bring our troops home.

I realize the Senate did not want to take any substantive action on this important U.S. military operation.

However, I am pleased that some language was incorporated into this bill, although, it is not as strong as I would have liked.

Madam Speaker, Congress needs to regain control of the situation, and I think we come one step closer with the language included in this bill. I hope we haven't given the President too much wiggle room.

It cuts off funds for the Bosnia mission in June 1998, and forces the President to consult, certify, and provide a separate spending vehicle to Congress to extend the mission past the withdrawal deadline.

I hope my colleagues on both sides of the aisle will join me in supporting this important Bosnia language.

Mr. COMBEST. Madam Speaker, I would like to thank the distinguished chairman and the members of the committee for appropriating $2 million for risk-based research on the effect of toxic chemicals on human health and the environment. This funding is intended for the use by the Institute for Environmental and Human Health, which is located at Reese Air Force Base in my district. The institute was created and implemented by Texas Tech University, which has entered into a cooperative agreement with Brooks Air Force Base to provide multidisciplinary environmental research, education, public outreach, and risk assessment.

The primary focus of this institute will be the integration of environmental impact assessment and human health in the context of science-based risk assessment. The institute will provide a critical resource for the Department of Defense as it grapples with significant environmental problems at bases nationwide and abroad. The institute will enable the Department to fulfill several of its stated environmental research and risk assessment needs and goals.

In addition, the location of the institute at Reese Air Force base will play a critical role in the redevelopment of Reese Air Force Base and the economic development of the surrounding region. The $2 million appropriation will enable Texas Tech to leverage an additional $4 million in State funds which will be used to address the myriad of environmental concerns in west Texas and throughout the Nation.

Madam Speaker, the support of the committee is appreciated. We look forward to working in cooperation with the Department of Defense to achieve significant environmental research and assessment goals.

Mr. YOUNG of Florida. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were— yeas 356, nays 65, not voting 12, as follows:

[Roll No. 442]

YEAS—356

Abercrombie	Bateman	Brady
Ackerman	Bentsen	Brown (FL)
Aderholt	Bereuter	Bryant
Allen	Berman	Bunning
Andrews	Bilbray	Burr
Archer	Bilirakis	Burton
Armey	Bishop	Buyer
Bachus	Blagojevich	Callahan
Baesler	Bliley	Calvert
Baker	Blunt	Camp
Baldacci	Boehlert	Canady
Ballenger	Boehner	Cannon
Barcia	Bonior	Capps
Barr	Bono	Cardin
Barrett (NE)	Borski	Carson
Bartlett	Boswell	Castle
Barton	Boucher	Chabot
Bass	Boyd	Chambliss

Christensen	Hyde	Pickering
Clay	Inglis	Pickett
Clayton	Istook	Pitts
Clement	Jackson-Lee (TX)	Pombo
Clyburn	Jefferson	Pomeroy
Coble	Jenkins	Porter
Coburn	John	Portman
Collins	Johnson (CT)	Poshard
Combest	Johnson (WI)	Price (NC)
Condit	Johnson, E. B.	Pryce (OH)
Cook	Johnson, Sam	Quinn
Cooksey	Jones	Radanovich
Costello	Kanjorski	Rahall
Cox	Kaptur	Rangel
Coyne	Kasich	Redmond
Cramer	Kelly	Regula
Crane	Kennedy (RI)	Reyes
Crapo	Kennelly	Riley
Cubin	Kildee	Rodriguez
Cummings	Kilpatrick	Roemer
Cunningham	Kim	Rogers
Danner	King (NY)	Rohrabacher
Davis (FL)	Kingston	Ros-Lehtinen
Davis (VA)	Kleczka	Rothman
Deal	Klink	Roybal-Allard
DeLauro	Knollenberg	Ryun
DeLay	Kolbe	Sabo
Deutsch	LaFalce	Salmon
Diaz-Balart	LaHood	Sanchez
Dickey	Lampson	Sandlin
Dicks	Lantos	Sawyer
Dingell	Latham	Saxton
Dixon	LaTourette	Scarborough
Dooley	Lazio	Schaefer, Dan
Doolittle	Leach	Schaffer, Bob
Doyle	Levin	Schumer
Dreier	Lewis (CA)	Scott
Duncan	Lewis (GA)	Serrano
Dunn	Lewis (KY)	Sessions
Edwards	Linder	Shadegg
Ehrlich	Lipinski	Shaw
Emerson	Livingston	Sherman
Engel	Lucas	Shimkus
English	Maloney (CT)	Shuster
Ensign	Maloney (NY)	Sisisky
Etheridge	Manton	Skaggs
Evans	Manzullo	Skeen
Everett	Markey	Skelton
Ewing	Martinez	Slaughter
Fawell	Mascara	Smith (MI)
Fazio	Matsui	Smith (NJ)
Flake	McCarthy (MO)	Smith (OR)
Foley	McCarthy (NY)	Smith (TX)
Forbes	McCollum	Smith, Adam
Ford	McCrery	Smith, Linda
Fowler	McDade	Snowbarger
Fox	McHale	Snyder
Frelinghuysen	McHugh	Souder
Frost	McIntosh	Spence
Gallegly	McIntyre	Spratt
Gejdenson	McKeon	Stabenow
Gekas	Meehan	Stearns
Gephardt	Meek	Stenholm
Gilchrest	Menendez	Stokes
Gillmor	Metcalf	Strickland
Gilman	Mica	Stump
Goode	Millender-McDonald	Stupak
Goodlatte	Miller (FL)	Sununu
Goodling	Mink	Talent
Gordon	Moakley	Tanner
Goss	Mollohan	Tauscher
Graham	Moran (KS)	Tauzin
Granger	Moran (VA)	Taylor (MS)
Green	Murtha	Taylor (NC)
Greenwood	Myrick	Thomas
Gutknecht	Neal	Thompson
Hall (OH)	Nethercutt	Thornberry
Hall (TX)	Neumann	Thune
Hamilton	Ney	Thurman
Hansen	Northup	Tiahrt
Harman	Norwood	Tierney
Hastert	Nussle	Towns
Hastings (WA)	Olver	Traficant
Hayworth	Ortiz	Turner
Hefley	Oxley	Upton
Hefner	Packard	Velazquez
Herger	Pallone	Visclosky
Hill	Pappas	Walsh
Hilleary	Parker	Wamp
Hilliard	Pascrell	Waters
Hobson	Pastor	Watkins
Holden	Paxon	Watts (OK)
Horn	Pease	Waxman
Hostettler	Pelosi	Weldon (FL)
Houghton	Peterson (MN)	Weldon (PA)
Hoyer	Peterson (PA)	Weller
Hulshof	Petri	Wexler
Hunter	Pickering	Weygand
Hutchinson	Pickett	White
Whitfield	Wolf	Young (FL)
Wicker	Wynn	
Wise	Young (AK)	

NAYS—65

Barrett (WI)	Furse	Nadler
Becerra	Ganske	Oberstar
Berry	Gutierrez	Obey
Blumenauer	Hinchey	Paul
Brown (CA)	Hoekstra	Payne
Brown (OH)	Hooley	Ramstad
Campbell	Jackson (IL)	Riggs
Chenoweth	Kennedy (MA)	Rivers
Conyers	Kind (WI)	Roukema
Davis (IL)	Klug	Royce
DeFazio	Kucinich	Rush
DeGette	LoBiondo	Sanders
Delahunt	Lofgren	Sanford
Dellums	Lowey	Sensenbrenner
Doggett	Luther	Shays
Ehlers	McDermott	Stark
Eshoo	McGovern	Torres
Farr	McKinney	Vento
Fattah	McNulty	Watt (NC)
Filner	Miller (CA)	Woolsey
Frank (MA)	Minge	Yates
Franks (NJ)	Morella	

NOT VOTING—12

Bonilla	Hastings (FL)	Owens
Foglietta	Hinojosa	Rogan
Gibbons	Largent	Schiff
Gonzalez	McInnis	Solomon

□ 1303

Messrs. RUSH, HINCHEY and BLUMENAUER, changed their vote from ''yea'' to ''nay.''

Ms. SANCHEZ and Mr. PETERSON of Minnesota changed their vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER. Pursuant to House Resolution 239 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2267.

□ 1305

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2267) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Wednesday, September 24, 1997, the bill was open for amendment from page 38, line 12, through page 38, line 25.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 239, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 1 printed in part II of the Committee on Rules report offered by the gentleman from Illinois [Mr. HYDE]; amendment No. 53 offered by the gentleman from Virginia [Mr. SCOTT]; amendment No. 55 offered by the gentlewoman from California [Ms. WATERS]; amendment No. 35 offered by the gentleman from Oklahoma [Mr. COBURN]; and amendment No. 32 offered by the gentlewoman from the District of Columbia [Ms. NORTON].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. HYDE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois [Mr. HYDE] on which further proceedings were postponed and on which the ayes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HYDE:

Page 116, strike line 16 and all that follows through line 2 on page 117 and insert the following:

SEC. 616. ATTORNEYS FEES AND OTHER COSTS IN CERTAIN CRIMINAL CASES.

During fiscal year 1997 and in any fiscal year thereafter, the court, in any criminal case pending on or after the date of the enactment of this Act, shall award, and the United States shall pay, to a prevailing party, other than the United States, a reasonable attorney's fee and other litigation costs, unless the court finds that the position of the United States was substantially justified or that other special circumstances make an award unjust. Such awards shall be granted pursuant to the procedures and limitations provided for an award under section 2412 of title 28, United States Code. Fees and other expenses awarded under this provision to a party shall be paid by the agency over which the party prevails from any funds made available to the agency by appropriation. No new appropriations shall be made as a result of this provision.

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 340, noes 84, not voting 9, as follows:

[Roll No. 443]

AYES—340

Abercrombie	Boehlert	Chabot
Ackerman	Boehner	Chambliss
Aderholt	Bono	Chenoweth
Archer	Borski	Christensen
Armey	Boswell	Clayton
Bachus	Boucher	Clement
Baesler	Boyd	Clyburn
Baker	Brady	Coble
Ballenger	Brown (FL)	Coburn
Barcia	Bryant	Combest
Barr	Bunning	Condit
Barrett (NE)	Burr	Cook
Bartlett	Burton	Cooksey
Barton	Buyer	Costello
Bass	Callahan	Cox
Bateman	Calvert	Cramer
Becerra	Camp	Crane
Berry	Campbell	Crapo
Bilbray	Canady	Cubin
Bilirakis	Cannon	Cummings
Bishop	Capps	Cunningham
Bliley	Carson	Danner
Blunt	Castle	Davis (IL)

Davis (VA)
Deal
DeFazio
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Mascara
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McIntosh
McIntyre
McKeon
Meehan
Meek
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Owens
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riley
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOES—84

Allen
Andrews
Baldacci
Barrett (WI)
Bentsen
Bereuter
Berman
Blagojevich
Blumenauer
Bonior
Brown (CA)
Brown (OH)
Cardin
Clay
Collins
Coyne
Davis (FL)
DeGette
Delahunt
DeLauro
Dellums
Dingell
Doggett
Eshoo
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gutierrez
Hamilton
Hinchey
Hinojosa
Johnson (WI)
Johnson, E.B.
Kennedy (MA)
Kennedy (RI)
Kennelly
Kind (WI)
Kucinich
Lampson
LaTourette
Levin
Lewis (GA)
Lofgren
Lowey
Markey
Martinez
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Menendez
Miller (CA)
Mink
Nadler
Olver
Pallone
Pelosi
Petri
Rangel
Riggs
Rivers
Rothman
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Sensenbrenner
Sherman
Skaggs
Slaughter
Smith, Adam
Stokes
Stupak
Tauscher
Torres
Turner
Waxman
Woolsey
Yates

NOT VOTING—9

Bonilla
Conyers
Gibbons
Gonzalez
Hastings (FL)
Hoyer
McInnis
Rogan
Schiff

□ 1328

Messrs. WAXMAN, BERMAN, KENNEDY of Massachusetts, NADLER, CLAY, SCHUMER, STOKES, and Mrs. LOWEY changed their vote from ''aye'' to ''no.''

Messrs. NEY, THORNBERRY, HEFLEY, STUMP, DUNCAN, BUNNING, BAKER, BOSWELL, BOB SCHAFFER of Colorado, LUTHER, BERRY, SAM JOHNSON of Texas, DEAL of Georgia, RUSH, TOWNS, and Ms. HOOLEY of Oregon, Mrs. ROUKEMA, Ms. HARMAN, Ms. KAPTUR, Mrs. MEEK of Florida, and Mrs. MYRICK changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1330

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 239, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 53 OFFERED BY MR. SCOTT

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia [Mr. SCOTT] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 53 offered by Mr. SCOTT:

Page 29, line 10, insert after the amount ''(reduced by $258,750,000)'' and insert as follows: page 28, line 17, after the amount insert ''(increased by $80,000,000)''; page 29, line 20, after the amount insert ''(increased by $13,000,000)'' and on line 22, after the amount insert ''(increased by $8,000,000)'' and on line 25 after the amount insert ''(increased by $40,000,000)''; page 31, line 1, after the amount insert ''(increased by $37,000,000)'' and on line 21 after the amount insert ''(increased by $76,750,000)'' and on line 13 after the amount insert ''(increase by $4,000,000)''.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 129, noes 291, not voting 13, as follows:

[Roll No. 444]

AYES—129

Abercrombie
Allen
Baldacci
Barrett (WI)
Barton
Becerra
Berman
Bilbray
Bishop
Blumenauer
Bonior
Boyd
Brown (FL)
Brown (OH)
Carson
Clay
Clayton
Clyburn
Conyers
Coyne
Cummings
Cunningham
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dixon
Doggett
Dooley
Doyle
Ehlers
Eshoo
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gutierrez
Hilliard
Hinchey
Hooley
Horn
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kilpatrick
Kind (WI)
LaFalce
Lantos
Leach
Lewis (GA)
Lofgren
Luther
Markey
Martinez
Matsui
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Quinn
Rangel
Reyes
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Skaggs
Slaughter
Snyder
Stark
Stokes
Stupak
Talent
Thompson
Thurman
Tierney
Torres
Towns
Turner
Upton
Velazquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn
Yates

NOES—291

Ackerman
Aderholt
Andrews
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Berry
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bono
Borski
Boswell
Boucher
Brady
Brown (CA)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Danner
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Evans
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)

Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kasich
Kelly
Kennelly
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Mascara
McCarthy (MO)
McCollum
McCrery
McDade
McHale
McHugh
McIntosh
McIntyre
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rivers
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Archer
Bonilla
Collins
Dellums
Gibbons
Gonzalez
Hastings (FL)
Livingston
McInnis
Rogan
Schiff
Spence
Taylor (NC)

☐ 1337

Mr. DUNCAN changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 55 OFFERED BY MS. WATERS

The CHAIRMAN. The unfinished business is the demand for a recorded vote on amendment No. 55 offered by the gentlewoman from California [Ms. WATERS] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 55 offered by Ms. WATERS:

Page 29, line 10, after the dollar amount, insert ''(decreased by $30,000,000)''.

Page 31, line 12, after the dollar amount, insert ''(increased by $30,000,000)''.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 162, noes 259, not voting 12, as follows:

[Roll No. 445]

AYES—162

Abercrombie
Ackerman
Allen
Baldacci
Barrett (WI)
Barton
Becerra
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clyburn
Coburn
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Dicks
Dixon
Dooley
Doyle
Ehlers
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Goodling
Gutierrez
Hall (OH)
Harman
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Luther
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Morella
Nadler
Neal
Nethercutt
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Portman
Price (NC)
Ramstad
Rangel
Rivers
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Shays
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Spratt
Stabenow
Stark
Stenholm
Stokes
Stupak
Thompson
Thurman
Tierney
Torres
Towns
Upton
Velazquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn
Yates

NOES—259

Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bono
Boswell
Boucher
Brady
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dingell
Doggett
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Maloney (CT)
Manzullo
McCollum
McCrery
McDade
McHale
McHugh
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Moran (VA)
Murtha
Myrick
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Poshard
Pryce (OH)
Quinn
Radanovich
Rahall
Redmond
Regula
Reyes
Riggs
Riley
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stearns
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Bonilla
Buyer
Canady
Collins
Gephardt
Gibbons
Gonzalez
Hastings (FL)
Hutchinson
McInnis
Rogan
Schiff

☐ 1347

Mr. LEWIS of California changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 35 OFFERED BY MR. COBURN

The CHAIRMAN. The unfinished business is the demand for a recorded vote on amendment No. 35 offered by the gentleman from Oklahoma [Mr. COBURN] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 35 offered by Mr. COBURN:

Page 34, line 13, after the dollar amount, insert the following: ''(increased by $74,100,000)''.

Page 49, line 9, after the dollar amount, insert the following: ''(reduced by $74,100,000)''.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 163, noes 261, not voting 9, as follows:

[Roll No. 446]

AYES—163

Aderholt
Andrews
Archer
Armey
Bachus
Ballenger
Barr
Barrett (WI)
Barton
Bass
Berry
Bilirakis
Blagojevich
Bliley
Blunt
Bono
Bryant
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Combest
Cooksey
Cox
Crane
Crapo
Cubin
Danner
Deal
DeFazio
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Engel
Ensign
Ewing
Foley
Fowler
Fox
Frelinghuysen
Ganske
Gillmor
Goodlatte
Goodling
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jones
Kasich
Kingston
Klug
Kolbe
Largent
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas
Luther
Manzullo
McCollum
McCrery
McHugh
McIntosh
McIntyre
McKeon
Metcalf
Miller (FL)
Minge
Moran (KS)
Myrick
Neumann
Ney
Northup
Norwood
Nussle
Obey
Pappas
Parker
Paul
Paxon
Peterson (PA)
Pickering
Pitts
Pombo
Quinn
Radanovich
Ramstad
Riggs
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shays
Shimkus
Skeen
Smith (MI)
Smith (NJ)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Strickland
Stump
Sununu
Talent
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Visclosky
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

NOES—261

Abercrombie
Ackerman
Allen
Baesler
Baker
Baldacci
Barcia
Barrett (NE)
Bartlett
Bateman
Becerra
Bentsen
Bereuter
Berman
Bilbray
Bishop
Blumenauer
Boehlert
Boehner
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burr
Burton
Buyer
Callahan
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cook
Costello
Coyne
Cramer
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gilchrest
Gilman
Goode
Gordon
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hefner
Herger
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Houghton
Hoyer
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Levin
Lewis (GA)
Lipinski
Livingston
Lowey
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mica
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Rahall
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Sherman
Shuster
Sisisky
Skaggs
Skelton
Slaughter
Smith (OR)
Smith (TX)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Stupak
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Weygand
Wise
Woolsey
Wynn
Yates
Young (AK)

NOT VOTING—9

Bonilla
Collins
Gephardt
Gibbons
Gonzalez
Hastings (FL)
McInnis
Rogan
Schiff

□ 1356

Mr. McHUGH changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 32 OFFERED BY MS. NORTON

The CHAIRMAN. The unfinished business is the demand for a recorded vote on amendment No. 32 offered by the gentlewoman from the District of Columbia [Ms. NORTON] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 32 offered by Ms. NORTON: In title I, under the heading ''General Provisions—Department of Justice'', strike section 103.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 155, noes 264, not voting 14, as follows:

[Roll No. 447]

AYES—155

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Filner
Foglietta
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gilman
Green
Greenwood
Gutierrez
Gutknecht
Harman
Hilliard
Hinchey
Hinojosa
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Moran (VA)
Morella
Nadler
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Pickett
Porter
Price (NC)
Rangel
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Stabenow
Stark
Stokes
Strickland
Tauscher
Thompson
Tierney
Torres
Towns
Velazquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Wise
Woolsey
Wynn
Yates

NOES—264

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonior
Bono
Borski
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Flake
Foley
Forbes
Fowler
Fox
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kildee
Kim
King (NY)

Kingston	Northup	Shimkus
Kleczka	Norwood	Shuster
Klink	Nussle	Skeen
Klug	Oberstar	Skelton
Knollenberg	Ortiz	Smith (MI)
Kolbe	Oxley	Smith (NJ)
Kucinich	Packard	Smith (OR)
LaFalce	Pappas	Smith (TX)
LaHood	Parker	Smith, Linda
Lampson	Pascrell	Snowbarger
Largent	Paul	Snyder
Latham	Paxon	Solomon
LaTourette	Pease	Souder
Lazio	Peterson (MN)	Spence
Leach	Peterson (PA)	Spratt
Lewis (CA)	Petri	Stearns
Lewis (KY)	Pickering	Stenholm
Linder	Pitts	Stump
Lipinski	Pombo	Stupak
Livingston	Pomeroy	Sununu
LoBiondo	Portman	Talent
Lucas	Poshard	Tanner
Manton	Pryce (OH)	Tauzin
Manzullo	Quinn	Taylor (MS)
Mascara	Rahall	Taylor (NC)
McCollum	Ramstad	Thornberry
McCrery	Redmond	Thune
McDade	Regula	Thurman
McHale	Reyes	Tiahrt
McHugh	Riggs	Traficant
McIntosh	Riley	Turner
McIntyre	Roemer	Upton
McKeon	Rogers	Visclosky
McNulty	Rohrabacher	Walsh
Metcalf	Ros-Lehtinen	Wamp
Mica	Royce	Watkins
Miller (FL)	Ryun	Watts (OK)
Minge	Salmon	Weldon (FL)
Moakley	Sanford	Weldon (PA)
Mollohan	Saxton	Weller
Moran (KS)	Scarborough	Weygand
Murtha	Schaefer, Dan	White
Myrick	Schaffer, Bob	Whitfield
Neal	Sensenbrenner	Wicker
Nethercutt	Sessions	Wolf
Neumann	Shadegg	Young (AK)
Ney	Shaw	Young (FL)

NOT VOTING—14

Bonilla	Gibbons	Radanovich
Collins	Gonzalez	Rogan
Crane	Hastings (FL)	Schiff
Dellums	McInnis	Thomas
Gephardt	Obey	

☐ 1404

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GUTKNECHT. Mr. Chairman, On rollcall No. 447 I have been notified that I was improperly recorded as voting ''aye.'' I am opposed to the Norton amendment and my vote should reflect a strong ''no.''

The CHAIRMAN. Are there further amendments to the paragraph?

If not, the Clerk will read.

The Clerk read as follows:

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $41,400,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtain insurance on official motor vehicles; and rent tie lines and teletype equipment; $279,500,000, to remain available until expended, of which not less than $172,608,000 shall be for the United States and Foreign Commercial Service: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; $41,000,000, to remain available until expended: *Provided,* That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C.) 2455(f) and 2458(c)), shall apply in carrying out these activities: *Provided further,* That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

AMENDMENT OFFERED BY MR. MOLLOHAN

Mr. MOLLOHAN. Mr. Chairman, pursuant to the unanimous consent agreement entered into last night, I offer an amendment on the Legal Services Corporation that affects title I.

The Clerk read as follows:

Amendment offered by Mr. MOLLOHAN:

On page 6, line 13, after the dollar amount, insert the following: ''(reduced by $6,000,000)''.

On page 6, line 25, after the dollar amount, insert the following: ''(reduced by $6,000,000)''.

On page 22, line 25, after the dollar amount, insert the following: ''(reduced by $42,000,000)''.

On page 44, line 1, after the dollar amount, insert the following: ''(reduced by $1,000,000)''.

On page 47, line 26, after the dollar amount, insert the following: ''(reduced by $5,000,000)''.

On page 48, line 21, after the dollar amount, insert the following: ''(reduced by $6,000,000)''.

On page 50, lines 13 and 23, after each dollar amount, insert the following: ''(reduced by $15,000,000)''.

On page 51, line 11, after the second dollar amount, insert the following: ''(reduced by $15,000,000)''.

On page 51, line 13, after the dollar amount, insert the following: ''(reduced by $15,000,000)''.

On page 51, line 20, after the dollar amount, insert the following: ''(reduced by $10,000,000)''.

On page 51, line 22, after the dollar amount, insert the following: ''(reduced by $5,000,000)''.

On page 54, line 11, after the dollar amount, insert the following: ''(reduced by $1,000,000)''.

On page 59, line 26, after the dollar amount, insert the following: ''(reduced by $13,000,000)''.

On page 65, line 18, after the dollar amount, insert the following: ''(reduced by $9,000,000)''.

On page 95, line 15, after the dollar amount, insert the following: ''(reduced by $10,000,000)''.

On page 96, line 1, after the dollar amount, insert the following: ''(reduced by $10,000,000)''.

On page 96, line 23, after the dollar amount, insert the following: ''(reduced by $6,000,000)''.

On page 98, line 5, after the dollar amount, insert the following: ''(increased by $109,000,000)''.

On page 98, line 6, after the dollar amount, insert the following: ''(increased by $109,000,000)''.

Mr. MOLLOHAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 1 hour and 30 minutes and that the time be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. OBEY. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

POINT OF ORDER

Mr. ROGERS. Point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ROGERS. Mr. Chairman, is it proper for this Member to inquire of the gentleman the reason he might object to such a limitation?

The CHAIRMAN. Only if a Member reserves the right to object can that question be asked.

Mr. ROGERS. I would point out to the Chair that we are trying to expedite this bill and get it over with by 10 o'clock or so tonight. We are proceeding amicably and I think agreeably and very successfully. If all of the Members can restrain themselves, we can get through with this bill.

The CHAIRMAN. Objection has been heard.

The gentleman from West Virginia [Mr. MOLLOHAN] is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I rise today to join my colleague the gentleman from Pennsylvania [Mr. FOX] in offering an amendment to increase funding to the Legal Services Corporation. Simply stated, the Mollohan-Fox amendment increases funding for the Legal Services Corporation from $141 million to $250 million, the same amount, by the way, Mr. Chairman, that we came off the floor last year in this bill with a similar amendment.

What is the Legal Services Corporation? It was created in 1974 as a private, nonprofit corporation. It was specifically established by the Congress to provide civil legal assistance to the poorest, most vulnerable Americans, assuring that they receive equal access to our judicial system.

What type of cases do Legal Services attorneys handle? The largest percentage of cases, Mr. Chairman, closed by the LSC attorneys in 1996 was in the area of family law, comprising about 35 percent of the 1.4 million cases closed. About 22 percent closed were housing cases, and about 15 percent related to income maintenance, cases associated with the poorest in our society.

As many Members know, in fiscal year 1996, our subcommittee put in place a number of restrictions to increase accountability by the Legal Services Corporation. This was in response to the concerns of many Members about what Legal Services was up to. A competitive bidding system has been adopted for all grants and contracts. All grantees are now required to provide audited financial statements.

In addition, we impose a number of prohibitions on LSC grantees. Any LSC grantee is prohibited from participating in redistricting litigation, prohibited from participating in class action suits, and welfare reform advocacy, and prisoner representation, lobbying, abortion litigation, illegal alien representation, and in collecting attorney's fees.

Members will be pleased to note that this bill before us adds a new provision to allow for the recompetition of grants and debarment from competing for future grants by grantees who violate the restrictions I have just mentioned. It was this committee under the leadership of the gentleman from Kentucky [Mr. ROGERS] that imposed most of these restrictions.

I would like to point out to Members that the Mollohan-Fox amendment does not seek to change a single one of these restrictions. This amendment simply increases the funding for grants to basic field programs by $109 million, virtually the same vote that we had last year.

Offsets to the amendments are as follows: Bureau of Prisons, $42 million; court of appeals and district courts, $13 million; Federal Communications Commission, $10 million; Department of Justice Antitrust Division, $6 million; Federal Trade Commission, $6 million; National Oceanic and Atmospheric Administration, $15 million; diplomatic and consular programs, $9 million; Department of Commerce general administration, $1 million; Patent and Trademark Office, $5 million; National Institute for Standards and Technology, $6 million; and economic and statistical analysis, $1 million.

Because clause 2(f) of rule XXI limits amendments which move funding among multiple accounts in appropriation bills to transfers between appropriation items only, I was not able to designate precisely in this Mollohan-Fox amendment our intentions regarding FCC fees or State Department foreign currency gains. Doing so would have been a violation of the House rules. But if the Mollohan-Fox amendment passes, we will work to adjust the final bill to reflect these intentions of using currency gains at the State Department and increased fee levels for the FCC.

Mr. Chairman, what happens if we do not pass the Mollohan-Fox amendment, if funding remains at the current low level of $141 million? Without additional funding, it is expected that the number of clients, the number of the poorest of our citizenry served, will fall from 1.4 million in fiscal year 1996 to less than 1 million in 1998. The number of LSC attorneys serving the poor will fall from about 4,871 in fiscal year 1995 to less than half of that, about 2,400. Millions of poor people will be unable to obtain legal assistance. And unfortunately pro bono services from private attorneys just cannot replace federally-funded legal services.

Congress created the Legal Services Corporation because it recognized that Federal funding was needed to ensure that some minimum level of access to our judicial system would be available to everyone. What message are we trying to send to the American public today? Do you really want to tell those in our society who are the most helpless, vulnerable, least able to obtain resources that we are not going to give you access to the court system? Do not send that message. Support the Mollohan-Fox amendment.

MOLLOHAN-FOX AMENDMENT TO H.R. 2267—SPECIFIC EXPLANATION OF OFFSETS

The purpose of this document is to clarify the intent of all of the offsets used in the Mollohan-Fox Amendment to H.R. 2267. The amendment increases funding for the Legal Services Corporation from $141,000,000 to $250,000,000.

OFFSETS

Department of Justice—the Antitrust Division. −$6,000,000; The intent is to increase the fee carryover from $10 million to $16 million, and to decrease the direct appropriation by a corresponding $6 million.

Federal Prison System. −$42,000,000 from the Salaries and Expenses Account.

National Oceanic and Atmosphric Administration (NOAA). −$5,000,000 to be taken from Executive Direction and Administration, within the Program Support line item of the Operations, Research, and Facilities Account; and −$10,000,000 to be taken from the Polar Convergence Account within the National Environmental Satellite, Data, and Information Service.

Department of Commerce—General Administration. −$1,000,000.

Patent and Trademark Office (PTO). −$5,000,000.

National Institute of Standards and Technology (NIST). −$6,000,000 from the Scientific and Technical Research and Services Account.

Economic and Statistical Analysis. −$1,000,000 from the Salaries and Expenses Account.

The Judiciary. −$13,000,000 from the Court of Appeal, District Courts, and other Judicial Services Account.

Department of State. −$9,000,000 from Diplomatic and Consular Programs; It is the intent of the amendment that $7,000,000 of the $9,000,000 be taken from exchange rate gains in the International Cooperative Administrative Support Services (ICASS) account, with the remaining $2,000,000 coming from the regular Diplomatic and Consular Programs account.

Federal Communications Commission (FCC). −$10,000,000; The intent is to increase the amount the FCC can collect in offsetting fees by $10,000,000 (per the budget request) and decrease the direct appropriation by a corresponding $10,000,000.

On further clarification of the State Department and FCC offset—Because clause 2(f) of Rule 21 limits amendments which move funding among multiple accounts in appropriations bills to transfers between appropriations items only, the Mollohan-Fox Amendment was not able to designate precisely our intentions regarding FCC fees or State Department foreign currency gains. Doing so in the amendment would have been a violation of the rule.

This statement is made to clarify the intentions of the amendment. Clearly it is not the intent of the Mollohan-Fox Amendment to reduce the total resources available to the FCC or to the State Department's operating funds.

Federal Trade Commission (FTC). −$6,000,000; The intent is to increase the fee carryover from $10 million to $16,000,000 and to decrease the direct appropriation by a corresponding $6,000,000.

□ 1415

Mr. BURTON of Indiana. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. Chairman, contrary to what will be said on the floor today, the Legal Services Corporation continues to ignore congressional restrictions, and inappropriate activities continue to run rampant at taxpayers' expense. In fiscal year 1996 Congress restricted the activities of Legal Services that they

could engage in. These restrictions include the following: prohibition on redistricting activity; abortion litigation; prison litigation; welfare litigation; pro-union advocacy and union organizing; fee-generating cases; representation of housing tenants charged with possession of illegal drugs or against whom eviction proceedings had been begun as a result of their illegal drug activity; and a prohibition of representing most illegal aliens. Legal Services Corporations have made an art out of circumventing congressional restrictions, and yet Congress continues to allocate precious taxpayers' dollars in large amounts, and today they want to increase that.

And what do we get in return? A failed Government bureaucracy, more interested in promoting a radical agenda than assisting the indigent in solving their problems.

The Legal Services Corporation claims it has reformed and it adheres to congressional restrictions. Ask them, and they will say that the abuses are in the past. The Legal Services Corporation will say that they no longer represent prisoners, drug dealers, illegal immigrants, and class actions in suits and the like. If this is true, and the Legal Services has reformed, if Legal Services is in good faith living up to its end of the bargain by complying with the congressional restrictions, then how do they explain the Legal Services Corporation's involvement in the following legal actions, all of which have occurred in the last 2 years, in which they challenge the congressional authority and the congressional mandates?

Let me give my colleagues some examples:

In August 1996, last year, Brooklyn Legal Services stopped the eviction of a woman even though police found 54 vials of crack cocaine and drug packaging during the raid on her apartment. That was last year, 54 vials, and they were trying to keep this woman from being evicted.

In 1996, last year, Neighborhood Legal Services of Buffalo tried to get a man's supplemental Social Security, SSI, benefits on the grounds that his history of chronic alcoholism made him too tired and too nervous to work. That was thrown out about by a judge, but it went to court.

In February of this year, 1997, the Legal Aid Society of Mercer County tried to win unemployment benefits for a man who lost his job because he was in jail.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto be concluded at 3:40, which will be an hour and a half total debate time, and that the remaining time be equally divided between these two parties.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. MOLLOHAN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. BURTON of Indiana. Who objected? I am sorry.

The CHAIRMAN. The objection came from the gentleman from West Virginia.

Mr. BURTON of Indiana. The gentleman from West Virginia; OK.

In February 1997 the Legal Aid Society of Mercer County tried to win unemployment benefits for a man who lost his job because he was in jail. The man in question worked as a housekeeper at the Mercer Medical Center until he was arrested for aggravated assault and other charges. He spent 9 months in jail, and after his release the medical center refused to rehire him; they were afraid of this guy. Legal Services then filed suit seeking unemployment benefits for the guy. Legal Services claimed that he was owed unemployment because it was not his fault he lost the job.

Can my colleagues believe that? That was done with taxpayers' dollars.

All I can say is I can go into example after example after example of where the Legal Services Corporation has deliberately circumvented the will of the people and the will of the Congress of the United States, and they are doing it with taxpayers' dollars. We need to get a grip on this organization. We need to rein in the Legal Services Corporation, not give them more money as the gentleman from West Virginia [Mr. MOLLOHAN] wants to do or the gentleman from Pennsylvania [Mr. FOX] wants to do. We need to put some constraints on them.

Now there are a number of organizations around this country that are voluntarily helping the indigent and the poor. In Indianapolis, the Indianapolis Legal Aid Society was founded in 1941 and in 1995 received all of its $458,000 from private sources, not from the taxpayer. It handled over 6,079 cases at a cost of, get this, $75 a case, and it was not funded by the taxpayer, and they helped the people they really should be helping, the truly needy and the truly indigent, not these other people, not these social service cases, not these social cases that are designed to change the policies of our Government, not redistricting cases, but cases where they were really helping the poor and they did it at nontaxpayer expense.

All I can say to my colleagues is let us get this Government out of the business of legal services, let us get it back in the private sector where it belongs, and let us help the people who truly need the help, the truly indigent.

Mr. DAVIS of Illinois. Mr. Chairman, I rise today and join my colleagues in support of the Mollohan-Fox amendment.

Mr. Chairman, this amendment is about equal justice and insuring that every American citizen has access to civil legal services. The Legal Services Corporation, LSC, is the Federal Government's contribution to a national public-private partnership. This partnership is aimed at fulfilling the first enumerated purpose of our Government in the preamble to the Constitution: to establish justice. The Mollohan-Fox amendment would increase funding for LSC's by $109 million, which is still way below the President's request.

The Legal Services Corporation has been a favorite target of many of my colleagues in the Congress. It has already received a cut in funding by one-third, and now they want to cut funding by 50 additional percent.

By cutting funding we send a strong message that if someone is poor in this country they do not deserve adequate legal representation in matters involving just civil suits. More importantly, we undermine the very basic principles of justice and fairness with the notion that because of class or station in life, because one happens to be poor, they do not deserve equal protection or access to legal representation.

This is an issue of conscience. In Illinois alone it is estimated that each year 300,000 low-income families face approximately 1 million civil legal problems for which they have no legal representation. This country, the leader of democracy, the leader of freedom, has an obligation to insure that each American has access to legal representation.

It is clear that a vote for this amendment is a vote for equal justice for all people, and therefore I urge all of my colleagues on both sides of the aisle to join with me in supporting the Mollohan-Fox amendment.

Mr. BARR of Georgia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think it is important for our colleagues and the American people to understand at the beginning of this debate exactly what it is that we are taking about and exactly what it is that we are not talking about. The constitutional obligation that our Government has to ensure that people before our courts have court-appointed attorneys to protect their rights is not what we are talking about.

Our Constitution guarantees and we provide already in this legislation hundreds of millions of dollars to insure that people, our citizens who are brought before our court to answer charges against them, have full and adequate legal representation. Millions of dollars are spent on that purpose through the public defender services and other moneys made available under this act. Any suggestion that our Constitution guarantees that a person seeking redress for civil problems in a court, any suggestion that we ought to be defensive or feel guilty by saying that the taxpayers of this country do not have an obligation to ensure that somebody who wants to go in to change welfare laws or to ensure that somebody in a federally funded housing project can deal drugs with impunity,

to suggest that those type people should have their civil legal bills paid for by the taxpayers of this country is preposterous.

This is not a constitutional issue. It is a political advocacy issue. That is what Legal Services Corporation excels at, political advocacy, advocating political causes.

And let me tell my colleagues, Mr. Chairman, about the arrogance with which Legal Services attorneys approach efforts by those of us in this body to be good stewards of taxpayer money. The Legal Aid Society of Santa Clara has a vice president named Elizabeth Shivell, and she said, in the wake of the restrictions that Congress has and has attempted to place on the ability of Legal Services Corporation to enforce a political agenda in the courts at taxpayer expense, this is what she said:

> If Congress can screw people with technicalities, we can unscrew them with technicalities. That is why we are lawyers and not social workers. Two can play this game.

That was in the California Lawyer in a story entitled ''Legal Aid Divides to Conquer'' in February 1996.

The previous speaker on our side, the distinguished gentleman from Indiana [Mr. BURTON] the chairman of the Committee on Government Reform and Oversight, gave several examples of instances in which the Legal Services Corporation continues to circumvent congressional intent embodied in law to push and enforce a political agenda of its own, in contravention to the wishes of American people and citizens and communities from Santa Clara to Boston. We do not need to, or actually maybe we do need to, highlight for the American people and for our colleagues additional examples of how they continue to circumvent congressional intent despite the restrictions placed in the previous Congress and Congresses. They continue to find ways to manipulate, to circumvent, to find loopholes around the restrictions so that they can force their political agenda.

The Legal Services Corporation, Mr. Chairman, continues to be a wolf in sheep's clothing; it must be killed. As the gentleman from Indiana [Mr. BURTON] also said, Mr. Chairman, there are dozens upon dozens of mechanisms administered by State and local bar associations. I contribute annually to one in my home county to provide voluntary legal service funding for indigents in civil proceedings. Those are the mechanisms that were envisaged in our constitutional form of government. That is the mechanism that works, that is the mechanism that people across this country are demanding work, and not to have their taxpayer dollars spent on attorneys with a political agenda and who are increasing the rates of their representation, the amount of money, at rates faster than inflation. We are continuing to provide more money than we ought to provide, and this amendment to increase funding for LSC's political agenda ought to be defeated.

□ 1430

Mr. FOX of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today to offer this amendment with my colleagues, the gentleman from West Virginia [Mr. MOLLOHAN] and the gentleman from Minnesota [Mr. RAMSTAD] in support of funding for low-income legal aid assistance. I commend the chairman, ranking member, and staff for their hard work on this very difficult appropriations bill.

Last year we came to the floor and offered a similar amendment to restore funding to this important program. We spoke of the reforms we had just recently enacted and urged Members to support a level of $250 million in funding. In that vote, 247 Members supported our effort, including 56 of our Republican colleagues. This year we ask the same kind of support.

I am convinced that under the leadership of its new president, John McKay, a Republican from Washington State, Chairman Douglas Eakley, and Vice Chairman John Erlenborn, a former Republican Congressman, Legal Services will be extremely vigilant in the defense of the new standards this Congress has set for Legal Service agencies.

Among these reforms are prohibitions on class action lawsuits, redistricting, and political advocacy, as well as additional prohibitions on abortion and prison litigation and legal assistance to illegal aliens. There is no social engineering here in the current Legal Services. This is a public-private partnership. Most agencies get about 20 percent or less of their funding from our Federal source.

This is a fairness issue, Mr. Chairman. Opponents of Legal Services try to cite a flood of brazen lawsuits challenging the congressional restrictions. This is simply not true. The truth is that there have been two lawsuits actually challenging the reforms Congress enacted last year. One case was brought in violation of the restrictions. In fact, the LSC recently prevailed in its case in U.S. District Court in Hawaii against five Legal Service grantees that had challenged the new restrictions.

Also, Legal Service was successful in forcing the Texas Rural Legal Aid Agency to withdraw from its lawsuit in Val Verde, Texas, within 1 month of the filing of the case, and vigorously pursued one remaining case in New York.

Contrary to what the Legal Service opponents would have us believe, this is the extent of the litigation surrounding the restrictions. There is no flood of lawsuits. The stories of the past that are regularly listed in the publications of LSC opponents occurred before restrictions were in place.

Incidentally, in reference to the Brooklyn Legal Services and Santa Clara Legal Services, they are not Legal Services grantees.

Let us be serious. If we are going to discuss whether or not the provision of legal aid for the poor can be responsibly provided and partially supported by Federal funding, must opponents of the program use anecdotal evidence from years past which does not even apply to the proper legislative time frame?

If we enacted the reforms in 1996, why must opponents reach back to 10 years previous? Do we have so little confidence in ourselves to grant positive legislation that we give up our own actions before they take hold?

If there are true abuses continuing, let us take steps to stop them, but we should not stop the majority of legal aid services for one-on-one service to the poor.

I appeal to those who have questions and concerns about the program to take some time to reflect upon the good work that our local legal aid agencies do.

Opponents of the program never tell us the good work that these agencies do, so I will. Family law is the single largest category of cases handled by the 275 grantees. Half of the LSC's family and juvenile cases involve efforts to obtain relief from domestic violence for the client or a family member.

In 1996 alone, Legal Service grantees handled a quarter of a million cases involving domestic violence. If you take a minute to think about the number of domestic violence cases that do not get reported every year, it is hard not to imagine the need that exists for these services.

In closing, Mr. Chairman, I say this. I want to repeat that Legal Services is working hard to work as a partner with Congress in pursuing cases where grantees are overstepping their bounds. In offering this amendment, we are simply trying to ensure that low-income individuals and families have one-on-one access to the courts, no social engineering, no class action lawsuits. Please support our amendment to restore funding for Legal Services and ensure equal justice under the law.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. FOX of Pennsylvania. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I think it is important to have a little dialog. In April 1996, the new rules regarding the Legal Services went into effect, in April 1996. The gentleman and others today here on the floor are going to say that they have been adhering to those.

I have in front of me two examples. In August 1996, 4 months after the new rules went into effect, passed by this Congress, the Brooklyn Legal Services Corp stopped the eviction of a woman, even though they found 54 vials of crack cocaine and drug packaging in her apartment during a raid. So they were violating the rules 4 months after we passed them.

Also in 1996, I could give you several examples where after these rules were

put into effect the Legal Services Corporation violated the rules passed by this Congress.

Mr. FOX of Pennsylvania. Mr. Chairman, reclaiming my time, to my good friend from Indiana, Mr. BURTON, let me say this: The fact of the matter is where the Legal Service Corp. was aware of the violations it has gone after those grantees and withdrawn the funding.

In the case of Brooklyn Legal Services, I understand they are not a Legal Service Corp grantee.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. FOX] has expired.

(On request of Mr. MOLLOHAN, and by unanimous consent, Mr. FOX of Pennsylvania was allowed to proceed for 2 additional minutes.)

Mr. FOX of Pennsylvania. Mr. Chairman, in conclusion, I would say this: We want to work shoulder to shoulder with the gentleman. I know the gentleman has an amendment later on today for another restriction, which, as you know, I am going to support, because I believe one way to make a system of providing one-on-one legal services to the poor be improved is by making sure it is crafted in such a way we get to those people truly in need, not the class action lawsuits, not representing illegal aliens, not representing prisoners and all the list we have given before. I will work with the gentleman closely, and I am sure others who are advocates for Legal Services will.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. FOX of Pennsylvania. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. I would like to add to that, every law that we pass here, we pass it because we understand there is a proclivity out there to violate the laws. That is the same with the restrictions we put on Legal Services Corporation.

There was a lot of this activity out there before we put these restrictions on. It is reasonable to assume there are going to be some people who are zealots, or for whatever reason, who are going to violate the rules.

The gentleman is going to be pleased to know and he does know probably, because I know he is a student of the legislation that comes on the floor, that in this bill we have disbarment as punishment for those grantees who violate the restrictions that we have put on in the past.

So we are addressing these concerns, and I know the gentleman would be pleased that we are addressing them, and I hope the fact we are addressing them in good faith and in a serious manner will lead the gentleman to look favorably upon the underlying purposes.

Mr. FOX of Pennsylvania. Mr. Chairman, reclaiming my time, I wanted to make it clear on the Brooklyn case, which obviously is an egregious situation, they are not a Legal Services grantee. It is a problem we would like to address, but it is not LSC's problem. They did not cause it.

Mr. BURTON of Indiana. Mr. Chairman, if the gentleman will continue to yield, if I may make one additional comment, first of all I can give you many other examples. I think you probably know that. If you want me to, I will.

Second, while there are still violations, it is inconceivable to me we would increase the amount of the money going to Legal Services Corporation by $109 million. We were talking about $141 million. You wanted to go to 250. I do not understand why we reward them.

Mr. FOX of Pennsylvania. Mr. Chairman, I would like to reclaim my time to make a clarification. The fact of the matter is last year on the floor of the House the bill that went out called for $250 million. That is all we are doing, is asking for $250 million again.

Mr. SKAGGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise this afternoon in support of the amendment offered by the gentleman from West Virginia and the gentleman from Pennsylvania.

Mr. Chairman, I have enormous respect for the body in which we all are privileged to serve, and I would hope that this is a place where we can give voice and effect to the highest aspirations of this country and the kind of civilization and society that we want to help craft.

We walk out the front door of this House Chamber and look across the street at the Supreme Court building, where emblazoned above the entrance is the statement ''Equal Justice Under Law.''

Is that something we want to be real and meaningful and effective? Not just for those that can hire $200-an-hour lawyers, but for the least of us? Or is it to be a bad joke, an insult to those who do not have the coin to hire the lawyers to make justice real for them?

The gentleman from West Virginia mentioned that without these additional funds, millions will go unserved. What he did not say is that even with it, millions will go unserved, because of the restrictions that have been imposed as the population of those in need have grown over the last several years.

We have a stake in each other in this country, Mr. Chairman. We can live under the illusion that those that are doing well can continue to do well and not suffer if we let those that are not doing so well live without access to the courts, without access to health care, without access to the good things that this country has to offer.

Or we can realize, not in some altruistic way, although I hope there is some moral obligation here, but in a very practical way, that if we leave a lot of this country's citizens behind, it will come back to haunt us.

This is a way that we can do either the right thing and say to the least among us financially that they still are as good as the best among us when it comes to an entrance to the courthouse, to have their rights respected and their obligations enforced; or we can say, Sorry, you are a different class of American. The courts are not really there for you. Whether it is for family law, for housing, for Social Security benefits, you name it, you are out of luck.

That is what this is about. It is about justice in this country and whether we have the guts and the gumption and the allocation of some modest part of this Nation's treasure to make that symbol of justice on the Supreme Court building meaningful for all of our people.

Freedom requires justice. Justice requires that we do more.

Mr. MCINTOSH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the committee funding level and in opposition to an increased funding for government-funded lawyers in the Legal Services Corporation.

We have had a debate here about this program, and what it reminded me of was a movie that I saw recently with my wife Ruthie, ''Jerry McGuire.'' And one of the characters in that movie is a man named Rod Tidwell, who says to his agent, ''Show me the money.'' And what we need to do is show us the money and where it is going, because there has been in fact an incredible politicalization of this government-funded program.

We have seen recently, as recently as 1997, after the so-called restrictions were in place, that the Minnesota Legal Services Agency has said it will file a lawsuit challenging Minnesota's welfare reform, specifically their residency requirement.

What more political act could you engage in than suing to prevent a State from enforcing its welfare reform initiative and requiring that people be a resident of that State before they receive money from those taxpayers?

This is an ongoing process. There have been no enforcement mechanisms for those reforms. They have been widely ignored. The harm goes deep in our country. Farmers have complained that Legal Services Corporation has sued them. One Ohio farmer was sued because he had too many migrant workers and he was violating labor laws. Another farmer was sued because they did not feel he was following all the environmental laws.

Cities are hassled by this group. The Legal Aid of Marin County sued the city of San Raphael for violating the rights of the homeless because they were giving out tickets to people that jaywalked. I can think of a lot better uses for our taxpayer money than subsidizing this time of needless, senseless litigation that is furthering only a small minority's political agenda.

In Chicago, the Legal Assistance Foundation of Chicago served notice on

the INS that they were going to sue them because they had failed to provide detainees with law books in Spanish and they were going to allege that their civil rights were violated.

Now, these are illegal individuals who are not here in this country as a legal citizen, been detained by the INS, and now government funds are encouraging a lawsuit to harass them in doing their job and protecting our borders.

This policy was misguided from the beginning. We do not need to subsidize more lawyers in this country. If anything, we need to encourage the private charitable works that actually help people when they have got a problem with their landlord, when they have got a problem receiving their payment that they are due from a local agency. But we do not need to have a Federal entity that spends a great deal of its money engaging in politically oriented lawsuits, fighting against the reforms that this Congress has tried to put into place in welfare, immigration, and basic ways in which the Federal Government operates.

This does not serve any of us well but, most importantly, it does not serve the taxpayer well. All too often I have had the taxpayers in my district, in central Indiana, come up to me and say, David, show me the money. What are you guys doing with all of the taxes that you collect from us? When I have to report back to them that on the House floor we are considering raising the amount of money we give to lawyers who file political lawsuits, their reaction is going to be, You got to shut down the place, let us keep the money. You don't know how to best use it for our services.

Mr. FOX of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MCINTOSH. I yield to the gentleman from Pennsylvania.

Mr. FOX of Pennsylvania. Mr. Chairman, I appreciate the gentleman yielding. The fact is in a later amendment we are going to find the gentleman from Indiana [Mr. BURTON] will be putting a further restriction on this program, which I think goes to the arguments the gentleman has been making about making the system better.

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And the money actually is only a small part of what local communities need to have one-on-one services for the poor.

Mr. MCINTOSH. Mr. Chairman, reclaiming my time, I appreciate the sincerity of the gentleman and his efforts and the efforts of our colleagues on this, but I think if we really want to send a message to this rogue entity: get out of politics, stop filing these lawsuits to provide a further agenda of one's liberal agenda; the best way, the best signal to do that is to reduce the spending, and that is what this committee did.

If they had come back and they had shown us that they had followed the restrictions, including the new one that my colleague, the gentleman from Indiana [Mr. BURTON], will offer later, then we could consider increasing the funds in future years. But nothing will serve better to get that message across that this Congress is serious about not wanting to fund politically oriented litigation than going through with the committee funding level, reducing the amount from previous years, and letting them know we are very serious.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this attempt in this bill to cut the budget of the Legal Services Corporation in half to $140 million, when as recently as 1995 it was over $415 million, is really an attempt to eliminate legal services for the poor for the reasons stated by some of the gentlemen on the other side of the aisle who say essentially that this is a rogue agency, that it politicizes justice, and so forth. They simply do not want poor people to have access to federally funded legal services because they do not like the result.

However, Mr. Chairman, the real question is, do we or do we not believe in this country that justice is for everyone. We say equal justice under law. Equal justice: Is it for everyone? Is access to the courts for everyone, or are the courts only here to protect the large corporations and to adjudicate disputes among millionaires and divorces for celebrities? Are the courts here to protect people when their rights are being violated, subject to evictions, or being fired improperly, or being discriminated against, or being cheated out of money; or are the courts only for rich people or upper middle-class people who can afford lawyers?

In the New York City housing court, which disposes of hundreds of thousands of cases every year, 99 percent of them eviction cases, 90 percent of the tenants have no lawyers at all. The landlords have lawyers, the tenants have no lawyers, and they are subject to very rough justice, if one can call it justice. They only wish the Legal Services Corporation had a much bigger budget, because these people need legal services or they cannot vindicate their rights when they are evicted, even though they have defenses which they do not understand because they are not lawyers.

Now, my colleagues say that this agency has politicized the process, that they bring political lawsuits, and an example was given a few minutes ago of the agency, the Legal Services in Wisconsin, I think it was, that sued against that State's welfare reform law, brought a lawsuit against the welfare reform laws.

Another example was given of Legal Services Corporations that sued farmers.

Mr. RAMSTAD. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Minnesota.

Mr. RAMSTAD. Mr. Chairman, the reference to my home State of Minnesota, the gentleman who made that statement should know that, in fact, there are no Legal Service Corporation dollars involved in that lawsuit. It is Minnesota, not Wisconsin.

Mr. NADLER. Mr. Chairman, reclaiming my time, even if there were, even if there were, and they say that Legal Services sued farmers because allegedly they used child labor, this is not politicization. What my colleagues are really saying is that they do not want people's constitutional or legal rights enforced.

This Congress and most State legislatures have, for the last century, been enacting laws to protect people against child labor and to protect workers' safety and workers' health and environment and all kinds of laws, building code enforcement. What Legal Services does is to enable people to enforce the rights granted to them by the Constitution of the United States, or by laws passed by the State or by the Federal Government. Without lawyers to bring these lawsuits, those rights are meaningless.

What my colleagues on the other side of the aisle are really objecting to is that the small people, the nonrich people, are causing problems for local establishments because Legal Services helps them bring lawsuits that say: you cannot do that, even if you have always done it, because the law says you cannot or the Constitution says you cannot; and if they are wrong, the courts rule that way. What my colleagues are really objecting to is poor people having the ability to go into court against the State of Minnesota.

I do not know anything about the State of Minnesota's welfare reform law. Maybe it is a good law, maybe it is a bad law. But if someone in Minnesota thinks that his or her constitutional legal rights are being violated by that law, and Legal Services is willing to help them sue to vindicate their legal rights, if that law is allegedly violating rights that they have, that is a perfectly proper road, because otherwise what we are saying is that only middle class and rich people should have the right to sue against a State law. If the State law is not violating the Constitution or is not violating what Congress says, the courts will so rule.

The argument really is that it is too much of a pain and too much of a bother to have poor people challenging local establishments, challenging what the State Legislature of Minnesota may have done, but what is the grounds of the challenge? The grounds of the challenge is that it is against the Constitution of the United States or against the laws that Congress passed, and if it is, it ought to be struck down; and if it is not, it will not be.

Mr. Chairman, in summary, the attempt to eliminate Legal Services is shameful because it is an attempt to deny access to the courts to poor people to vindicate their rights, and I urge

the adoption of this amendment to have a minimum level of legal services available.

Mr. RAMSTAD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I join my colleagues from Pennsylvania and West Virginia in sponsoring this amendment to prevent the drastic 50-percent cut in Legal Services funding.

Unless we pass this amendment today, those words etched atop the United States Supreme Court, ''Equal Justice Under Law,'' are meaningless. Those words are a mere mockery unless we pass this amendment today.

Let us talk facts, Mr. Chairman. The antagonists of the Legal Services Corporation who want to kill Legal Services for the poor know that the funding level in the bill is a 50-percent cut from last year. That follows on the heels of a 33-percent cut from the previous year. As a result, Mr. Chairman, Legal Services programs are serving right now 300,000 fewer low-income Americans because of decreased resources represented by those cuts. If this amendment does not pass today, an additional 400,000 vulnerable low-income Americans will have no representation under the law.

Let us talk about what type of Americans are served by Legal Services: children who need child support orders enforced and their mothers or fathers; private health insurance for children who have no health insurance, that is hardly a radical notion; victims of domestic violence; children who are abused; consumer fraud; people who are victims of consumer fraud and unlawful discrimination.

Mr. Chairman, we also have to talk facts. The antagonists, those who want to kill Legal Services, know full well that in 1995 we made reforms. With all respect to the gentleman from Georgia, there is no representation of people evicted from public housing due to drugs. If that is still going on, then let us go after the abuser, but it is written into law there are no class action suits, no lobbying, no legal assistance to illegal aliens, no political activities, no prisoner litigation, no redistricting representation. We have, Mr. Chairman, a new Legal Services because of these reforms, which I supported.

Now, let us talk about funding. There is nobody in this body on either side to whom I take a back seat when it comes to frugality with the taxpayers' dollars, and if my colleagues do not believe me, check the Citizens Against Government Waste lifetime ratings, check the ratings of the National Taxpayers' Union. But, Mr. Chairman, if we are to give people in this country, every person, regardless of income status, true justice under the law, we need to pass this amendment and not gut this program here today.

Volunteer lawyers, and believe me, no State surpasses Minnesota's contribution for pro bono work, but volunteer lawyers cannot meet the critical legal needs of poor people alone any more than doctors could treat all of the medical needs of the poor or grocers can feed all of the hungry without paying. We cannot effectively provide legal services to the poor without this public-private partnership.

Even in a State like Minnesota, last year 3,000 attorneys donating 30,000 hours of free pro bono legal services valued at over $3.5 million, even in a State like Minnesota, we closed last year 4,000 fewer cases, and tens of thousands of people, poor people, were turned away, could not have representation, could not have, Mr. Chairman, equal justice under the law.

I do not have any argument with those who stick to the facts, but let us talk about the new Legal Services, not the old, and let us not try to confuse people with those old arguments. I was as critical of the old Legal Services as many in this body who are against this amendment today.

The bottom line, Mr. Chairman, is we have passed tight restrictions on Legal Services Corporation. We do have a solid public-private partnership here. Poor people, most of them, are getting their day in court as far as civil justice is concerned. If our justice system is going to continue to have meaning, respect, legitimacy, we cannot just provide legal services to the wealthy, to those with means. Then justice cannot truly be just.

I urge my colleagues to support basic fairness and equality under the law by restoring Legal Services funding.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. RAMSTAD. I yield to the gentleman from Indiana.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. RAMSTAD] has expired.

(On request of Mr. BURTON of Indiana, and by unanimous consent, Mr. RAMSTAD was allowed to proceed for 2 additional minutes.)

Mr. RAMSTAD. Mr. Chairman, I yield to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I know the gentleman is very sincere, and he is one of my dearest and respected colleagues, but I would say to the gentleman that in April 1996, as I said previously, we implemented, and the President signed into law, restrictions on the Legal Services Corporation. I have here in my hand probably 6 to 10 examples in various States where the legal services Corporations have deliberately violated the laws passed by the Congress and signed into law by the President in April 1996.

Now, the reason I wanted to just have this brief colloquy with the gentleman is that we need to put some kind of a mechanism in place that will penalize those legal services Corporations that are using taxpayers' dollars and then violating not just the intent of Congress, but the law passed by Congress.

Mr. RAMSTAD. Reclaiming my time, Mr. Chairman, for 6 or 10 violations about which my distinguished colleague from Indiana speaks, we do not gut equal justice under the law, we do not eliminate legal services for the poor, we go after those who violated our restrictions that were imposed, properly so in my judgment, back in 1995, which took effect in 1996, but we do not void the fifth amendment, we do not void equal justice under the law, the equal protection clause of the U.S. Constitution because of 6 to 10 violations.

Mr. BURTON of Indiana. Mr. Chairman, I can give many more.

Mr. UPTON. Mr. Chairman, will the gentleman yield?

Mr. RAMSTAD. I yield to the gentleman from Michigan.

Mr. UPTON. Mr. Chairman, I might just say in response to the gentleman from Indiana [Mr. BURTON], that in these cases where we have seen abuses, I would be delighted, and I am a supporter of this amendment and will speak a little bit later, but I would be delighted to work with the gentleman from Indiana [Mr. BURTON] and the gentleman from Minnesota [Mr. RAMSTAD] and others, particularly those on the Committee on the Judiciary, to work on, whether it be legislation or a directive to the Justice Department, to make sure that they stick to the law.

Mr. RAMSTAD. Reclaiming my time, Mr. Chairman, and my time is very short, I will be the first to go after and to join my colleagues in going after any of those violators, but let us not kill Legal Services because of 6 to 10 violations.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. RAMSTAD] has expired.

(On request of Mr. BURTON of Indiana, and by unanimous consent, Mr. RAMSTAD was allowed to proceed for 1 additional minute.)

Mr. RAMSTAD. Mr. Chairman, I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I do not think we are at odds on this particular point we are talking about. What I am saying is where there is a violation of Legal Services and we know about it, I have some examples here, there ought to be a penalty imposed upon those agencies that are violating the law.

Now, if we did that, we would find a lot of people that might take a little different approach to Legal Services, because these legal service organizations that have involved themselves in defending drug dealers and people who are deliberately breaking the law, if we did that, I think we could work together.

Mr. RAMSTAD. Mr. Chairman, reclaiming my time, I do not dispute what the gentleman just said. I do not think the majority of this body would dispute that, including those of us who defend Legal Services for the poor.

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Of course there should be sanctions to those who violate the reforms that

we enacted in 1997 which took effect in 1996. I will join my colleague in such legislation. But this, Mr. Chairman, is not the vehicle to attach that, to go after those violators.

We have already, from last year, and again, let us speak to the facts, last year's funding level was $283 million. Even this amendment only restores funding to $250 million, so it is not level funding. Let us deal with the violators appropriately, but not here.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is inconceivable to me that we would juxtapose the numbers, 1 million underserved poor people across the Nation, and juxtapose a mere 6 to 8 examples of violations, of which we know, both in our hearts and our minds, that there is a remedy.

In fact, as I support the Mollohan-Fox amendment, in this legislation now before us those grantees that violate the law will be debarred. They will face debarment from any future opportunity. It is incredulous to me that those who would oppose Legal Services would raise such misdirected arguments, 6 versus 1 million citizens who need services regarding housing and family needs, such as abuse and domestic violence, those who have been kicked off unfairly from SSI, children who are suffering from mental illness, who for some reason or other have not been able to either get those services, or people who are ill who need those services.

It is certainly in contrast to most of America, for recent polling will tell us that 70 percent of Americans are in favor of using Federal tax dollars to fund civil legal aid for the needy. That is what we are talking about.

Might I say something that is somewhat unpopular: I take great umbrage and exception to the fact that we would lump and put in one pot all of the dedicated Legal Services lawyers across the Nation. I say that in honor of my brother-in-law, Phillip Lee, who spent 20 years of his life, until he passed, working for the New York Legal Services. I say that in tribute to those who are on the Gulf Coast Legal Foundation in Houston, TX, the board of which I served on, and have watched those lawyers toiling for individual cases which no one in the general public bar could or would take. I listened to the organized bar in the State of Texas beg me to preserve the Gulf Coast Legal Services Corporation, even though they were very active in doing pro bono work.

So this is a travesty and a farce, arguing about insignificant cases dealing with how much drugs in an apartment. I do not know the facts, but I would argue and say that all of us will support eliminating those abuses. But without having all the facts, for example, that person could have been an elderly citizen, and I am not suggesting these are the facts, intimidated and held hostage by younger people living in her apartment, and therefore, there might have been a reason.

If it is not the facts of the Brooklyn case, think of it as being the fact that she is held hostage by young people taking over her apartment, and we would penalize this elderly victim if that would have been the case. At the same time, the ridiculous case about someone with alcoholism; alcoholism has been designated as a sickness. Maybe that was the reason why the case was taken.

In any event, it is ludicrous, again, as I have said, to move and to require, if we do not have this particular funding, and increased by the Mollohan-Fox amendment, that we would lose 550 of these neighborhood offices, 50 percent, and the number of Legal Services attorneys would decrease from 4,000 to 2,000. That is one LSC attorney for every 23,600 impoverished Americans.

Mr. Chairman, I would simply say that if the shoe was on the other foot, if the Member had no other way to access the courts and to address his legal grievances, if he had gone to every attorney and said, I have no money, but will you take my case, you are in the private bar, albeit the good works that the private bar does, would he, a United States Congressperson who does not have the privilege which many of us have, have a better understanding that poor people need justice, too; that the Constitution and the Bill of Rights applies to poor people as well?

Might I say that I take a slightly different perspective, as I close, from my good friends, the gentleman from West Virginia [Mr. MOLLOHAN] and the gentleman from Pennsylvania [Mr. FOX]. Although I adhere to them, I believe the cases that deal with Indian rights, welfare, redistricting, all of those cases preserve the dignity of those in this Nation, but I concede that point. For those of us who have conceded it, it is absolutely ridiculous to deny to the poorest of poor their rights in the courts. We are our brother's keeper.

Mr. Chairman, I rise today in support of the Mollohan-Fox amendment which would restore a majority of the funding recently stripped from the sorely needed Legal Services Corporation. This amendment will set the appropriation amount for the Legal Services Corporation at $250 million, down only 12 percent from last year's $283 million budget allotment.

This amendment and the issues it evokes hit directly at the core of widespread concerns about the reality of equal protection under the law. Is there or can there ever be equal protection under the law when the access to quality legal services is based entirely upon socioeconomic factors? I would think not. This is the very reason that organizations like the Legal Services Corporation exist. Without it, and organizations like it, our Constitution will become a document empowered by the dollar, and not the sovereign will of the people. Without effective legal services for the impoverished and indigent, our laws and their unconditional protections have no force, no honor.

The Nation, since the cornerstone of Gideon versus Wainwright was laid now over a generation ago, has readily acknowledged the importance of legal representation, and the existence of the Legal Services Corporation is concrete evidence of that fact. In Gideon, the right of the indigent and socioeconomic disadvantaged to legal representation in criminal proceedings was upheld; however, many Americans also recognized the need for the legal defense of the indigent in civil matters, as well. Are we going to be the generation of Americans that robs its citizens of this vital protection?

The Legal Services Corporation helps millions of Americans effectively access the justice system in cases of domestic violence, housing evictions, consumer fraud, child support, among a host of other critical matters. The bottom line is that without this critical program, many indigent children, battered and abused spouses, elderly and physically challenged citizens and those in the lower levels of the socioeconomic strata would not have access to competent legal representation in civil matters.

A recent Louis Harris & Associates poll showed that 70 percent of Americans are in favor of using Federal tax dollars to fund civil legal aid for the needy. The poll highlighted legal services like child custody, adoption, and divorce which should not be accessible only to those at a certain level of financial security. I sincerely hope that this Congress will not retreat from its unmistakable social responsibilities. I implore this House to vote in favor of the Mollohan-Fox amendment, and restore the funding of the Legal Services Corporation so that the justice system in this country can serve the needs of all of its citizens and not just those who can afford it.

Mr. DOOLITTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I submit what is ridiculous is that this Congress would continue to fund such as a disastrous program as Legal Services at all, let alone pass this amendment.

Mr. Chairman, what is ridiculous is that we continue to fund a program that is so irresponsible that the Congress would actually have to take the kind of action we took in fiscal year 1996 and spell out what ought to be clear ahead of time for responsible people in an organization funded with Federal funds, and actually make explicit that they may not get involved in redistricting, they may not get involved in abortion litigation, or prison litigation, or welfare litigation, or pro-union advocacy, for heaven's sake, and union organizing, or fee-generating cases, or representation of public housing tenants charged with possession of illegal drugs or against whom eviction proceedings have begun as a result of illegal drug activity, and a prohibition on representing illegal aliens. Mr. Chairman, that is an indictment right there on the inclinations of the individuals in this irresponsible agency.

Mr. Chairman, I believe as much as anyone in protecting the rights of poor people, but unlike my colleagues on the other side of the aisle, and apparently some of my Republican colleagues, I do not believe we have to build a bigger and bigger welfare state, of which this is a part, in order to accomplish those objectives.

If legal representation of the poor at public expense is so important, let the attorneys donate their time, let the States handle the matter, where they are a little closer to the people, where these kinds of abuses cannot continue to occur. And yes, they do continue to occur. When we are going to talk about protecting children, listen to this case. Here, how well are they following the law here?

In 1997 Northwest Louisiana Legal Services argued for preserving a woman's parental rights for her children, despite clear evidence she had physically abused them. The case began in 1991. The State investigated it. They assumed temporary custody. Legal Services still got involved, claiming that terminating parental rights was improper. These children had been severely beaten and burned, and yet our taxpayer dollars went through Legal Services to defend this type of individual.

Mr. BARR of Georgia. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from Georgia.

Mr. BARR of Georgia. Mr. Chairman, as the gentleman from Minnesota earlier said, we must stick to the facts. Then he said there were simply no cases where Legal Services Corporation funds continued to be used to evict people for drug-related evictions. The facts of the matter, I say to the gentleman from Minnesota, are that that continues to happen. In New Jersey, in the case of *Hoboken* v. *Alicea*, A–5639–95T3, New Jersey Court of Appeals, 1997, it continues to happen.

I would ask the distinguished gentleman, is he aware of any provision in the Constitution of the United States of America in which there is a constitutional guarantee, as found by the courts or explicit in the Constitution, where people have a constitutional right for legal services to be provided for them in civil cases?

Mr. DOOLITTLE. Let me respond to the gentleman, Mr. Chairman, and say I know of nothing in the Constitution that requires that, and I know of no court, no Supreme Court ruling that has so interpreted the Constitution.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I would point out that the authority for the Legal Services Corporation is statutory in nature, passed by the Congress, which Congress has authority constitutionally to do.

I would just like to again reassure Members who are concerned about the various Legal Services grantees across the Nation violating, to the extent it happens, restrictions have been put in the bill. We are putting in sanctions. We are reaffirming the limitation on spending, so Legal Services Corporations cannot participate in the offensive activities. Then we are also adding sanctions, debarment sanctions, and sanctions against grantees competing for future grants where there have been violations.

I simply say that because I sense that perhaps the gentleman is not aware of that, and I want to assure the gentleman that the chairman and the committee have been vigilant about trying to do that.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the ranking member is correct. It may not be of great notice yet, but we are putting a new provision in the Legal Services statute that I think is of interest to the gentleman from Indiana [Mr. BURTON] and the gentleman from Georgia [Mr. BARR], the gentleman who yielded, and others, that gives the Legal Services Corporation a new way to discipline grantees who violate the restrictions that the Congress put on those grantees.

In effect, LSC, under this new provision, has the automatic right to terminate the grant or contract of any grantee, and also, under section 504(a) and subsequent sections, can debar that recipient from any further grants under the act. This is new ammunition, new powers that they have never had before.

The CHAIRMAN. The time of the gentleman from California [Mr. DOOLITTLE] has expired.

(On request of Mr. ROGERS, and by unanimous consent, Mr. DOOLITTLE was allowed to proceed for 2 additional minutes.)

Mr. ROGERS. Mr. Chairman, will the gentleman continue to yield?

Mr. DOOLITTLE. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, this is new law. This is a new procedure. We are trying to respond to the criticisms that LSC has had in the past that they did not have the authority nor the interest in debarring and taking away the contract of a grantee that violates the House-passed laws. So this is new. It does have teeth. It can be enforced and should be enforced, and we are going to insist that it be enforced.

So I think that is of interest to everybody, particularly those who have been critical of LSC for not disciplining their own grantees, and debarring from further LSC activities a grantee who violates the House-passed rules. I thank the gentleman for yielding.

Mr. DOOLITTLE. Mr. Chairman, let me say I do not think those go far enough, but I am happy to hear they are in the bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, the gentleman is very kind for yielding to me.

Very quickly, Mr. Chairman, my good friend, the gentleman from Georgia [Mr. BARR] made a distinction constitutionally between criminal and civil laws. Let me argue that the Congress is empowered to delegate authority and has obviously designated the Legal Services Corporations to help poor people have legal services.

The real issue is the moral high ground, judging 1 million poor people who cannot get legal services against the rich of America who can. I would simply ask the gentleman, in all of his conviction, to please, if he will, have mercy on those individuals who cannot achieve justice any other way.

Mr. DOOLITTLE. Let me just say with what time I have left, Mr. Chairman, that this is perfectly appropriate for local and State entities to carry out. I think we will not end the abuses as long as the remote Federal Government continues to fund and increase funding for a program of this sort.

Obviously these organizations have no interest in respecting the intent of Congress, when we have cited repeatedly violations of the very restrictions that were already in the law that continue to happen. This is not the job, in my opinion, of the United States government. It is the job of the State governments or of local bar societies.

The CHAIRMAN. The time of the gentleman from California [Mr. DOOLITTLE] has expired.

(On request of Mr. FOX of Pennsylvania, and by unanimous consent, Mr. DOOLITTLE was allowed to proceed for 1 additional minute.)

Mr. FOX of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from Pennsylvania.

Mr. FOX of Pennsylvania. Mr. Chairman, I appreciate the gentleman from California yielding to me. The fact is, I want to make sure I get to him all of the cases where Legal Services is now going after the grantees who are not living up to the 17 restrictions, and the new one that the gentleman from Indiana [Mr. BURTON] and myself and the gentleman from California [Mr. DOOLITTLE] also is supporting, which will further make this program where we only want to give services to those who are truly poor and truly in need; no social engineering, no class action lawsuits. These are new Legal Services guidelines which everybody in Congress can support.

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Mr. MOLLOHAN. If the gentleman will continue to yield, Mr. Chairman, I just want to put this in perspective.

The gentleman from California [Mr. DOOLITTLE] cited six cases?

Mr. DOOLITTLE. Mr. Chairman, reclaiming my time, I cited, I believe, a couple cases. Others have cited other cases.

Mr. MOLLOHAN. If the gentleman would continue to yield, there were 1.4 million cases closed in 1996, 1.4 million cases.

Mr. DOOLITTLE. Mr. Chairman, reclaiming my time, let me just say, this

is just the tip of the iceberg. We can cite numerous cases. I dread to think how many things are going on that we do not really know about yet and will continue to go on despite these attempts of cosmetic restrictions until we simply end this program, let it go back to the States where it belongs, not the Federal Government.

PREFERENTIAL MOTION OFFERED BY MR. TIERNEY

Mr. TIERNEY. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN. The Clerk will report the motion.

The Clerk read as follows:

Mr. TIERNEY moves that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Massachusetts [Mr. TIERNEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. TIERNEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 102, noes 315, not voting 16, as follows:

[Roll No. 448]

AYES—102

Abercrombie	Frank (MA)	Mink
Allen	Frost	Nadler
Andrews	Furse	Neal
Baldacci	Gejdenson	Obey
Barrett (WI)	Gephardt	Olver
Becerra	Gilchrest	Owens
Berry	Gutierrez	Pallone
Bishop	Hefner	Pelosi
Bonior	Hilliard	Pomeroy
Borski	Hinchey	Rangel
Brown (OH)	Hooley	Rothman
Carson	Hostettler	Roybal-Allard
Clayton	Hoyer	Salmon
Clyburn	Jackson (IL)	Serrano
Condit	Jefferson	Skelton
Conyers	Johnson (WI)	Snyder
Coyne	Johnson, E. B.	Stabenow
Danner	Kaptur	Stenholm
Davis (FL)	Kennedy (RI)	Strickland
DeFazio	Kennelly	Stupak
Delahunt	Kilpatrick	Tanner
DeLauro	Kind (WI)	Tauscher
Dellums	LaFalce	Taylor (MS)
Deutsch	Levin	Thompson
Doggett	Lewis (GA)	Tierney
Edwards	Markey	Torres
Eshoo	Martinez	Towns
Etheridge	McCarthy (MO)	Velazquez
Evans	McDermott	Vento
Farr	McKinney	Watt (NC)
Fattah	McNulty	Waxman
Fazio	Meehan	Woolsey
Filner	Menendez	Yates
Foglietta	Millender-McDonald	
Ford		

NOES—315

Ackerman	Bilbray	Burton
Aderholt	Bilirakis	Callahan
Archer	Blagojevich	Calvert
Armey	Bliley	Camp
Bachus	Blumenauer	Campbell
Baesler	Blunt	Canady
Baker	Boehlert	Cannon
Ballenger	Boehner	Capps
Barcia	Bono	Cardin
Barr	Boswell	Castle
Barrett (NE)	Boucher	Chabot
Bartlett	Boyd	Chambliss
Barton	Brady	Christensen
Bass	Brown (CA)	Clay
Bateman	Brown (FL)	Clement
Bentsen	Bryant	Coble
Bereuter	Bunning	Coburn
Berman	Burr	Combest
Cook	Kelly	Rahall
Cooksey	Kennedy (MA)	Ramstad
Costello	Kildee	Redmond
Cox	Kim	Regula
Cramer	King (NY)	Reyes
Crane	Kingston	Riggs
Crapo	Kleczka	Riley
Cubin	Klink	Rivers
Cunningham	Klug	Rodriguez
Davis (IL)	Knollenberg	Roemer
Davis (VA)	Kolbe	Rogers
Deal	Kucinich	Rohrabacher
DeGette	LaHood	Ros-Lehtinen
DeLay	Lampson	Roukema
Diaz-Balart	Lantos	Royce
Dickey	Largent	Rush
Dicks	Latham	Ryun
Dingell	LaTourette	Sabo
Dixon	Lewis (CA)	Sanchez
Dooley	Lewis (KY)	Sanders
Doolittle	Linder	Sandlin
Doyle	Lipinski	Sanford
Dreier	Livingston	Sawyer
Duncan	LoBiondo	Saxton
Dunn	Lofgren	Scarborough
Ehlers	Lowey	Schaefer, Dan
Ehrlich	Lucas	Schaffer, Bob
Emerson	Luther	Schumer
Engel	Maloney (CT)	Scott
English	Maloney (NY)	Sensenbrenner
Ensign	Manton	Sessions
Everett	Manzullo	Shadegg
Ewing	Mascara	Shaw
Fawell	Matsui	Shays
Flake	McCarthy (NY)	Sherman
Foley	McCollum	Shimkus
Forbes	McCrery	Shuster
Fowler	McDade	Sisisky
Fox	McGovern	Skaggs
Franks (NJ)	McHale	Skeen
Frelinghuysen	McHugh	Slaughter
Gallegly	McIntosh	Smith (MI)
Ganske	McIntyre	Smith (NJ)
Gekas	McKeon	Smith (OR)
Gillmor	Meek	Smith (TX)
Gilman	Metcalf	Smith, Adam
Goode	Mica	Smith, Linda
Goodlatte	Miller (FL)	Snowbarger
Goodling	Minge	Solomon
Gordon	Moakley	Souder
Goss	Mollohan	Spence
Graham	Moran (KS)	Spratt
Granger	Moran (VA)	Stark
Green	Morella	Stearns
Greenwood	Murtha	Stokes
Gutknecht	Myrick	Stump
Hall (OH)	Nethercutt	Sununu
Hall (TX)	Neumann	Talent
Hamilton	Ney	Tauzin
Harman	Northup	Taylor (NC)
Hastert	Norwood	Thomas
Hastings (WA)	Nussle	Thornberry
Hayworth	Oberstar	Thune
Hefley	Ortiz	Thurman
Herger	Oxley	Tiahrt
Hill	Packard	Traficant
Hilleary	Pappas	Turner
Hinojosa	Parker	Upton
Hobson	Pascrell	Visclosky
Hoekstra	Pastor	Walsh
Holden	Paul	Wamp
Horn	Paxon	Waters
Houghton	Payne	Watkins
Hulshof	Pease	Watts (OK)
Hunter	Peterson (MN)	Weldon (FL)
Hutchinson	Peterson (PA)	Weldon (PA)
Hyde	Petri	Weller
Inglis	Pickering	Wexler
Istook	Pickett	Weygand
Jackson-Lee (TX)	Pitts	White
Jenkins	Pombo	Whitfield
John	Porter	Wicker
Johnson (CT)	Portman	Wise
Johnson, Sam	Poshard	Wolf
Jones	Price (NC)	Wynn
Kanjorski	Pryce (OH)	Young (FL)
Kasich	Quinn	
	Radanovich	

NOT VOTING—16

Bonilla	Gonzalez	Miller (CA)
Buyer	Hansen	Rogan
Chenoweth	Hastings (FL)	Schiff
Collins	Lazio	Young (AK)
Cummings	Leach	
Gibbons	McInnis	

□ 1533

Messrs. BOUCHER, KIM, DICKS, and TALENT changed their vote from ''aye'' to ''no.''

Mr. HILLIARD changed his vote from ''no'' to ''aye.''

So the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. CHENOWETH. Mr. Chairman, earlier I was unavoidably detained and missed rollcall vote 448. Had I been here, I would have voted: ''no.''

Mr. OLVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Mollohan-Fox amendment to restore funding for the Legal Services Corporation. I particularly want to congratulate the gentleman from West Virginia and the gentleman from Pennsylvania for bringing forward this very valuable effort.

The Legal Services Corporation was established by Congress in 1974 to ensure that all Americans, Americans of every stripe, have equal access to the justice system. We should not go back on that commitment now, and we cannot expect that solely voluntary donations will provide poor people with equal access to the justice system. But the bill before us would cut Legal Services funding by 50 percent from last year, and that would have an immediate effect on Legal Services clients. Thousands of low-income people would be denied their chance of equal justice in my district alone, and that can be multiplied all over this country.

The Legal Services Corporation helps people who cannot afford legal representation. Legal Services attorneys in my district have helped clients contest housing evictions, avoid termination of government benefits, secure restraining orders in domestic and family abuse cases, and they have helped collect child support payments for families.

I could cite dozens of legitimate cases of legal services being provided in my district compared with those that have been suggested as illegitimate cases, as abusive cases of the program. But here is just one story that shows the vital role that Legal Services plays in the lives of ordinary people. A woman from my district separated from her husband because of physical abuse, and she had custody of their children. While she was hospitalized for the abuse, her husband obtained a custody order and placed the children with his parents. With Legal Services assistance, this mother was able to regain custody of her children. She was able to end the abusive marriage, to obtain housing, and then to go on to obtain a bachelor's degree, so she can now support herself and her children in a legitimate way.

We need to ensure that every citizen has access to equal justice in a similar kind of a manner. I urge my colleagues to support the Mollohan-Fox amendment as a good amendment to assure

Americans equal access to equal justice.

Ms. HARMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment by the gentleman from Pennsylvania [Mr. FOX] and the gentleman from West Virginia [Mr. MOLLOHAN] to restore funding for the Legal Services Corporation.

Many of us come to this House having had one or more careers. One of my prior career experiences was as chief counsel and staff director to a Senate Judiciary subcommittee concerned with access to justice. I was there when the Legal Services Corporation was created during the Nixon administration, and I was fortunate to play some role in helping to select its board, protect its funding and its functions over the years. I care very much that it survives.

Residents of California's 36th Congressional District are served primarily by the Legal Aid Foundation of Long Beach. For over four decades, the foundation has provided no-cost legal services to more than 114,000 eligible low-income residents of the Long Beach-South Bay area. Annually the foundation serves over 3,200 clients at a cost of approximately $400 per client, thus demonstrating that its services are efficient and cost-effective.

While the Legal Aid Foundation assists in a variety of cases, actions to prevent or curb domestic violence have long been a major focus. Recent studies show that domestic violence calls in at least one city in the South Bay occur at a rate of one each 1½ hours. The foundation's domestic violence clinic helps thousands of women and children each year obtain the protection of a restraining order and as such is highly praised and serves as a national model. It also offers training to battered women's shelter workers to make them aware of the legal avenues available to victims. Utilizing a grant, the foundation delivers the antiviolence message to the public schools in my district.

□ 1545

This is just one example of what this foundation does; there are many others.

It encourages the private bar to take pro bono cases and also offers a ''Wills on Wheels'' program assisting the elderly and disabled in preparing simple wills.

But, Mr. Chairman, my view is that unless we save funding for this very, very important corporation and save the dream of those many years ago, including President Nixon, who knew that everyone deserved access to justice, we will be doing a serious injustice. In the absence of adequate funding, we may spend more money trying murder cases and dealing with the tragic effects of domestic battery on a generation of children.

I urge the restoration of funding. I urge support for the Fox-Mollohan amendment and support for equal access to justice.

Mr. UPTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this issue is important not only because it is a matter of decency, common sense and compassion, but it is one that we need to pass this afternoon. Let me remind my colleagues again that this amendment keeps Legal Services at a funding level that is still $30 million less than in 1997, and in fact, it is about $150 million less than it was just a couple of years ago.

Mr. Chairman, we are a country founded on the basic principle of liberty and equality before the law, but when people are unable to even access our legal system because they lack representation in the funds to secure a lawyer, we are asking a portion of our society to forgo a fundamental right.

The Legal Services Corporation is an avenue for low income Americans to receive legal representation for civil matters. The lawyers who are part of Legal Services provide the guidance and the expertise needed to successfully navigate our complex and often intimidating judicial system. Very few of us could manage the intricacies of our legal system without counsel. Should we expect citizens who do not have the means to hire a lawyer to simply fare on their own? One person's legal problems are no less important than another's, and everyone deserves a fair chance regardless of their income level.

What are the civil matters we are talking about? Well, about 70 percent of the national caseload falls into categories in which children are impacted. In Michigan we had more than 80,000 cases last year; 40 percent of those fell in the category of family civil cases. But that means cases involving divorce, spousal abuse, adoption, child support. Other civil matters include housing, income maintenance issues, and consumer finance issues.

I think it is particularly interesting to note the role that Legal Services plays in helping single parents, who may or may not be also collecting welfare, secure child support payments; two-thirds of Legal Service clients are women, and many of those, of course, are single moms. I am aware, in fact, of a mom in my district who relocated to Michigan with four children after being granted a personal protection order from another State. However, the husband refused to pay child support and continued to threaten her. She had no place to turn other than the Legal Aid Bureau of southwestern Michigan, who helped her obtain a Michigan personal protection order, start divorce proceedings and obtain custody and support so that she and her children could stay together. Without assistance we can only guess what might have happened.

This Congress needs to have a heart. We are not talking about the greedy; it is the needy. And I would agree that there were abuses in the past, and I will ask unanimous consent to file all of these restrictions that this body passed. And I would respond to the gentleman from Indiana who talked earlier, that, in fact, when abuses are there we can go after folks and debar them; and, in fact, I would urge the Committee on the Judiciary on which I do not serve that they ought to have some hearings and look into those, and if the cases can be made, they ought to take some action. That is what the Committee on the Judiciary is for. But in my mind it is unconscionable for us to restrict access to Legal Services for any Americans who need representation.

Last year, we passed a welfare reform bill that enjoyed strong bipartisan support. One of the major provisions in this bill was to go after deadbeat dads, and moms, too. Mr. Chairman, in a good number of cases families that experience divorce are in fact represented by Legal Service attorneys who help in determining what their child support ought to be. Those are civil cases, not criminal ones.

Support the Mollohan-Fox amendment, and stand for the principles and ideals that make our Nation great.

RESTRICTIONS ON LSC GRANTEES

The restrictions on the use of funds by the LSC and its grantees as enacted by Congress in 1996 are as follows:

1. No advocating policies relating to redistricting;
2. No class action lawsuits;
3. No influencing action on any legislation, Constitutional Amendment, referendum or similar procedure of Congress, State or local legislative body;
4. No legal assistance to illegal aliens;
5. No supporting/conducting training programs relating to political activity;
6. No abortion litigation;
7. No prisoner litigation;
8. No welfare reform litigation, except to represent individuals on particular matter that does not involve changing existing law;
9. No representing individuals evicted from public housing due to the sale of drugs;
10. No accepting employment as a result of giving unsolicited advice to non-attorneys; and
11. All non-LSC funds used to provide legal services by grantees may not be used for the purposes prohibited by the Act.

Furthermore, provisions included in the Fiscal year 1998 Commerce, Justice, State and Judiciary Appropriations bill will allow the LSC to terminate contracts of grantees which fail to comply with these restrictions and debar grantees from receiving future financial assistance.

Mr. MINGE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a student, as a teacher, and as a professional I have participated in programs to assure equal access to the court system, the justice system in this country, for over 30 years. This is a system that all of us are proud of as a part of our American heritage, the fact that we, in this country, can look to a legal system that is capable of resolving disputes instead of resorting to weapons, fisticuffs, or other forms of violence. If we expect this form of dispute resolution to survive, we have to make sure that it is

accessible to all Americans who need to have problems addressed. I can think actually of no more conservative cause than to say to people, ''No, you cannot resort to the streets; no, you cannot take the law into your own hands, because we have established a process to resolve these disputes and we not only expect but we require that you participate in that process.''

This indeed is the law of the land, and as a consequence we have an obligation to make sure that all Americans have access to this legal system, and that is what this debate is all about.

The Federal Government has made it possible for Legal Services programs to be developed in all parts of the country. These programs unfortunately are vastly understaffed and, in fact, in many parts of the country, including the part I come from, rural Minnesota, it has been necessary to call on attorneys to volunteer to take cases because the Legal Services attorneys simply are not numerous enough to handle the caseload and, in fact, they have had to lay off Legal Services attorneys. We have thousands of attorneys in our State that voluntarily take these cases.

Now I would certainly agree when I have been on the other side I resented the fact that someone was criticizing my client. But I do not think it is a reason to say that we have to end the Legal Services Program or cripple it because we happen to disagree with someone on the other side of a dispute. Similarly, I think it is unseemly to hold up a list and say that this represents cases that are being improperly pursued under the Federal Legal Services Corporation Program.

The one case that I am personally familiar with on the short list that was held up is not, in fact, being pursued by a grantee of this program; it is being pursued by another legal advocacy program. So, it is not only misleading to the Members of the Chamber, it is misleading to the American public to criticize the program inaccurately in this fashion.

I would also like to emphasize that none of us claim that this program or any program is a thousand percent successful. It would be nice to say that we all somehow are deities and that we perfectly comply with the intent and the letter of all laws that exist in this Nation. That is not the case, and we know it. If we can find a tenth of a percent of flawed cases for violations of a program, that simply means that we need to redouble our efforts to make sure that the rules, the guidelines, are complied with, not that we need to terminate the program.

So I would urge my colleagues on both sides of the aisle to join with me and many others in supporting this program, No. 1; and, No. 2, making sure that we adequately police the restrictions and regulations so that the Federal money is used consistent with the Federal requirements.

Mr. FORBES. Mr. Chairman I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. I think it is important to understand, first of all, that it is this Republican Congress which made the necessary changes to the Legal Services Program that will allow it to move forward in the future, and this is not a debate about funding. This is really a debate about the future existence of this total program, and frankly those who would advocate slashing the moneys for this program are truly on a mission to end this kind of legal assistance. As some of my colleagues have already pointed out, this is an important program that provides many single parent families with the kind of support that they otherwise would not get.

And to those who would shut down the Legal Services Program, I would ask, what is the alternative? Where is their alternative to make sure that the people who are low income, who would not otherwise have legal representation, where are they to go?

So, I think it is important again to stress that not only did this Congress going back to 1996 make the necessary changes to clean up this program, which admittedly had serious flaws, but in the current funding bill it is important to note that the Legal Services Program would terminate contracts of grantees which fail to comply with these restrictions and to bar grantees from receiving future financial assistance.

It is important to enumerate that this program no longer will tolerate nor allow for any kind of advocating policies relating to redistricting, to class action lawsuits, to influencing action on legislation, constitutional amendment, referendum or similar procedures of the Congress, State, or local legislative bodies. No legal assistance to illegal aliens, no supporting conducting of training programs related to political activity, no abortion litigation, no prisoner litigation, no welfare reform litigation except to represent individuals on particular matters that do not involve changing existing laws, no representing individuals evicted from public housing due to the sale of drugs, no accepting employment as a result of giving unsolicited advice to nonattorneys, and non-LSC funds used to provide legal services by grantees may not be used for the purposes prohibited by the act, as was outlined in the changes made in 1976.

I think it is critically important to understand that we need this safety net, we need to provide for the poor among us so that they have the same legal rights as many other Americans, and these people do not have the funds available to protect themselves. They do not fall within certain categories that would allow them the kind of representation that others could expect, and I think it is important that with these important changes, with cleaning up the program, that we allow this program to go forward.

So, I proudly rise in support of the amendment, and I thank its sponsors.

Ms. WATERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, today I want to speak in support of the Mollohan-Fox amendment to restore funding to the Legal Services Corporation. If this amendment is not accepted, the Legal Services Corporation will suffer a devastating blow. As currently written, this bill provides only $141 million for the Legal Services Corporation. This amount is 50 percent less than the $283 million appropriated last year and $199 million less than the request of the administration.

I want to stop for a moment and thank the Representatives from the other side of the aisle, the gentleman from Pennsylvania [Mr. FOX], the gentleman from New York [Mr. FORBES], the gentleman from Michigan [Mr. UPTON], and others for joining in this bipartisan effort to do the right thing for poor people and working people.

As my colleagues know, we could use our power any way that we would like in this House. We could be good public policymakers, concerned about all of our constituents, not just the rich, not just the well off, or we can be bullies. We can be bullies who use our power and put our foot on the backs and the necks of working people and poor people; we could do that any time, and that is what we are doing on this Legal Services Corporation funding. We are literally getting rid of them by taking away 50 percent of the funding.

Who are these people? First of all, we should take all of these Legal Services attorneys and give them some awards. We should award them for working in the dinky offices across America for less money than attorneys normally make, for going into neighborhoods and representing people when their own lives sometimes are at risk.

☐ 1600

We should award them for going into the public housing projects, to the barrios, and into the rural areas where no one else will go, to represent working people and poor people.

I want to tell you about a case that I encountered in 1978 as a member of the California Legislature. I will never forget Ms. Willa T. Moore. She was a homeowner. It was just a little house in South Central Los Angeles, but she received a bill. She knew she had paid her taxes. She was not familiar with the 1911 Assessment Act. This is the assessment for new street lighting that is done by the city. They kept sending her the bill, she disregarded it, she thought the people downtown made a mistake. She paid her taxes.

Well, let me tell you, they started to foreclose on her house because she failed to pay the 1911 assessment tax bill that was sent to her because of the lighting district that had been put in.

I worked with Legal Services Corporation to get Ms. Moore's house back. I did not stop until we made sure that that house was not taken. Without Legal Services, I would not have been able to assist Ms. Moore.

But let me tell you something else that was going on at that time. We had contractors who went out and knocked on doors. They said, ''Let me put a new roof on your house. Let me put a burglar alarm system in. Let me expand and put a new room or porch on your house.'' They carried the paper from a well-known S&L, and the people signed up. They had to put their deeds up in order to get the credit from the S&L working with the contractor.

The contractor signed up senior citizens, working people, poor people. They oftentimes would come and put the scaffolding up to start the job, but they would go on to the next person. They had blocks of people who they had signed up to do work for, putting on new roofs, new porches, burglar alarms, you name it. They would start, but somehow they would not get around to finishing the job. But the payment book came from the S&L, because the contractor had the relationship to the S&L, and the people's payment book came, they had to make the payment, but no contractor.

The S&L said to the people, ''That is your business, to go after the contractor. You signed on the dotted line. We have the deed to your house. If you do not pay us, your house now belongs to us.''

I worked for 2 years with the Legal Services Corporation to do all kinds of new disclosure, to get rid of some of the practices of the S&L. I went to contractors who had collected those deeds and I made them give me the deeds back of senior citizens who had nobody to advocate for them. I walked the streets with the Legal Services Corporation representatives and attorneys, one by one, collecting those deeds back of senior citizens, of working people who had no other legal representation.

Do not do this to poor people. We are bigger than that. We are better than that. We could put our feet on the back of these people and take away the ability to have just a little representation, or we can be kind public policymakers who look out for people who have nobody else to look out for them.

I beg Members to support the amendment.

Mr. STENHOLM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Mollohan-Fox amendment. For over a decade now, the gentleman from Florida [Mr. MCCOLLUM] and I have worked to reform the Legal Services Corporation. The gentleman from Kentucky [Mr. ROGERS], the chairman of this committee, has offered considerable help in this effort as well, and we have made some progress, but we have a ways to go.

But we are not debating today whether or not to reform the Legal Services Corporation or change the delivery system for Legal Services altogether. We are simply setting a funding level where the Legal Services Corporation can continue to function and provide civil legal care for those in our country who cannot afford it.

I fully understand the arguments for taking a hard look at changing our current delivery system for providing legal services to the poor. I intend to continue a careful examination of how we provide daily legal support for low-income individuals, and I hope at some time in the near future to work with the authorizing committee to see if we can address some of the things that are wrong, and there are some things that are very wrong.

But until that happens, I support continuing to fund the Legal Services Corporation at $250 million for fiscal year 1998. This is exactly the funding level which my colleague the gentleman from Florida [Mr. MCCOLLUM] and I proposed in our Legal Services Corporation reorganization bill of the 104th Congress.

All of the arguments we have heard today come down to one fundamental question, whether we believe that the Federal Government has a role to play in ensuring that the poor have access to the courts. I believe that we do.

Now, I will be the first one to tell my colleagues that the Legal Services Corporation has had its share of problems over the years, and we have heard many of them today. While I am not convinced that the current structure is the best way to deliver these services, I am not willing to demolish the Legal Services Corporation absent any other well-developed approach to caring for the people that depend on legal assistance in their daily lives. But that is precisely what we will do if we cut the funding today.

As a lifelong supporter of a balanced budget, I understand budget realities and know we cannot fund every program at the level we want, and that is why I commend the sponsors of this amendment who have worked extremely hard in finding the offsets to pay for this amendment in a fair and reasonable manner.

Finally, it is important to remember that we continue all of the restrictions agreed to on the Legal Services Corporation in the effort to make sure that this program works for its original purpose. While the Legal Services Corporation has certainly not been perfect over the past year, I do believe they have made sincere efforts to abide by these restrictions.

Again, I commend the chairman of this committee for his efforts along that line, because it makes my support of this Corporation possible today. I urge my colleagues to support the Mollohan-Fox amendment.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 4:30, and that the time be equally divided.

Ms. PELOSI. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. ROGERS. Mr. Chairman, will the gentlewoman yield for the purpose of a unanimous-consent request?

Mrs. LOWEY. Mr. Chairman, I yield back the balance of my time.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 4:30, and that the time be equally divided.

Mr. MOLLOHAN. Mr. Chairman, no objection.

The CHAIRMAN. Without objection, the gentleman from West Virginia [Mr. MOLLOHAN] will control 11 minutes, and the gentleman from Kentucky [Mr. ROGERS] will control 11 minutes.

There was no objection.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Mollohan-Fox amendment. Many Members may not think of Legal Services as a women's issue, but it is, because more than two-thirds of the clients served by the Legal Services Corporation are women. The funding cuts in this bill will force the LSC to abandon many of the critical legal services that it provides to poor women, particularly victims of domestic violence.

Last year, Legal Services programs handled over 50,000 cases in which clients sought legal protection from abusive spouses and over 6,000 cases involving neglected, abused, and dependent juveniles. In fact, family law, which includes domestic violence cases, makes up over one-third of the cases handled by Legal Services programs each year.

In addition to helping victims of domestic violence, the lawyers at the Legal Services Corporation help poor women to enforce child support orders against deadbeat dads. They also help women with employment discrimination cases.

The funding level in this bill will only allow for one Legal Services lawyer for every 23,600 poor Americans. If we slash funding to Legal Services, we will be abandoning tens of thousands of women who desperately need legal help. These women have nowhere else to turn in order to escape domestic violence or to bring a deadbeat dad to justice. We must not abandon tens of thousands of women to violence, abuse and greater poverty.

Mr. Chairman, I ask my colleague to please vote for the Mollohan-Fox amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Chairman, every morning we come to this House floor, turn to the American flag, and with hand over heart finish our Nation's

Pledge of Allegiance to our flag with these words, ''with liberty and justice for all.'' Now, Mr. Chairman, is the time for us to decide whether we mean those words.

I revere our Nation's great documents, the Declaration of Independence, the Bill of Rights, the Constitution, and to that I would add the Pledge of Allegiance to our flag. But what has made our Nation great is not pieces of parchment and hollow words, but the principles thus enunciated.

Today we should ask ourselves in this House, do we mean our Pledge of Allegiance, or do we simply recite it? Is the principle justice for all simply a concept to be taught in our schools, or is it a goal worth fighting for?

Just a few weeks ago in this House we passed a budget bill that will give tax breaks to some of America's wealthiest families. What would it say today about our values if while doing that we turned and cut funding for Legal Services for our poorest families?

Mr. Chairman, tomorrow morning when we turn to this flag once again with hand over heart and finish with those eloquent words, ''with liberty and justice for all,'' I hope we can do so with pride, knowing that we stand up for the meaning of those words.

Vote ''yes'' on the Mollohan-Fox amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield 1½ minutes to the gentleman from Washington [Mr. MCDERMOTT].

(Mr. MCDERMOTT asked and was given permission to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Chairman, most things that need to be said about this issue have probably now been said, but I want to say a couple of things specifically about the State of Washington.

The Legal Services Foundation in the State of Washington turns away four out of every five people who come seeking legal counsel. Now, if liberty and justice is for all, then it ought to be for all five. Four people out of five go away because there are no funds.

If that does not state the case, in 1980, the Legal Services Corporation in Washington State had 140 Legal Services attorneys dealing with roughly half a million poor or low-income folks in our State. That is 1 attorney for every 4,000 people. In 1996, the ratio had fallen to 1 attorney for every 15,000. That is 78 attorneys dealing with 1.2 million people.

There are several facts in that. That means more people, in a State like ours that is doing very well economically, more and more people qualify for legal aid, and yet we have half the lawyers that we did in 1980.

I strongly support the Mollohan amendment, and urge my colleagues to do the same, if you believe that there should be justice and liberty for all.

The CHAIRMAN. Without objection, the Chair will administer the time limitation to allow each side to consume all of the 11 minutes allocated to either side, notwithstanding the fact that the clock will pass 4:30 p.m. by 1 minute or 2.

There was no objection.

□ 1615

Mr. MOLLOHAN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise to support the Mollohan amendment to restore funding to the Legal Services Corporation to $250 million. My colleagues, over two-thirds of Legal Services' clients are poor women. Most of them are women with children who are seeking to receive child support, protect themselves or their children from abuse, or obtain decent housing, food or medical care.

Please do not take my word for it. According to John Erlenborn, a Republican Member of this House for 20 years, Legal Services funds benefited approximately 4 million people last year, most of them children living in poverty.

Three-quarters of Legal Services' cases involve or benefit children. Access to Legal Services can make the difference in which a child gets support from an absent parent, can live in a safe home, receives food, medical care, or access to education.

In 1996, Legal Services programs closed 50,000 cases representing women who needed protection from abuse. Another 200,000 were family and juvenile cases involving domestic violence. Who can forget that 2 years ago, even as this Congress debated cutting Legal Services funding, a woman was tragically murdered by her estranged husband just hours after she had been turned down for assistance in obtaining a restraining order, because of budget cuts at the Legal Services agency she phoned for help.

As a former Republican colleague, Mr. John Erlenborn, writes, ''I believe that access to justice should not be limited to those who have sufficient wealth to pay for it.''

I share Congressman Erlenborn's belief, and I hope that my colleagues do as well. Help mothers get the child support their children deserve; help children get the medical care that they need; help protect women and children from the family members who abuse them. Vote ''yes'' on the Mollohan amendment.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 1½ minutes to the gentlewoman from California [Ms. PELOSI].

(Ms. PELOSI asked and was given permission to revise and extend her remarks and to include extraneous material.)

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me this time and for his leadership in bringing this important amendment to the floor. With apologies to the distinguished chairman for objecting to his unanimous consent, and certainly in support of it now, I rise to encourage our colleagues to vote for the Mollohan-Fox amendment.

In defense of the Legal Services Corporation, our colleagues have quoted the Constitution, and, of course, most recently the pledge to the flag which we make here every day, and in that pledge to the flag it has been said, and is said here every day, the pledge for liberty and justice for all. That is exactly what the Legal Services Corporation is about.

We brag and boast about American values and the rights that we have as Americans, but we truly do not have those rights unless we have access to legal services to protect those rights and the right to sue to protect them.

Other colleagues have quoted and referenced their own experience with Legal Services, and I just want to talk about the fact that two-thirds of those eligible for Legal Services are women and children, most of them families. They receive services in areas such as juvenile law, family law, housing, health and education, and clinics perform critical services for victims of domestic violence. Some of our colleagues have said what is not included here, and I will not go into that. I will submit it for the record. There have been staff cuts in Legal Services. It is a dollar well spent by the Federal Government.

Again, I urge my colleagues to vote for liberty and justice for all and to vote for the Mollohan-Fox amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. BECERRA].

The CHAIRMAN. The gentleman from California [Mr. BECERRA] is recognized for 2½ minutes.

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I happen to have been one of those ''nasty'' attorneys that on the other side we have heard mentioned so many times. When I had the privilege of graduating from Stanford Law School back in 1984, I took a job working for Legal Services in Worcester, MA, working for $18,000 a year, which is not even what I would have had to have paid for another year of Stanford Law School had I needed a fourth year.

At the same time, most of my peers at Stanford Law School were being hired for something around $70,000 a year to start their legal career, and certainly that is not the pay that the partner or the mid-level attorney in those firms is making. And what certainly those individuals were charging was well beyond $100 an hour.

Yet here I was, representing mostly people who were mentally ill. I had several clients; one, for example, was a minor who was locked up in a facility for adults. It was because Legal Services was there that we were able to remove that youth from that facility that was meant for adults who were mentally ill.

I had the opportunity to help adults who were being overmedicated because the wards and the staff at the institution were tired of having to put up with mentally ill patients. So they would overmedicate them so they would be drugged out of their minds and would not budge from their beds. Had Legal Services not have been there, we would not have been there to help these patients avoid overmedication.

I happened to work for Legal Services in Los Angeles when I was a law student where we were able to help people who were not being paid the minimum wage because unscrupulous employers were denying folks their pay. All of these things have happened.

We have heard of a few instances where there may have been some abuse in legal services office, but I have not heard a single soul here say that when the Department of Defense paid $500 for a toilet seat, or when they paid some $200 for a screwdriver, or when the CIA spent 300 and some-odd million dollars for a secret building, or when the Department of Energy failed to safely oversee the storage of nuclear waste, that we should kill those programs. Certainly we know we need the Department of Defense, and we need to be protective of this Nation's security, but no one has said tube those particular agencies simply because there has been some abuse.

When we think of the more than 1 million cases last year that were handled by a Legal Services attorney, for a pittance, it is well worth the while. When we think that these are people who would be unrepresented, those poor individuals who go to Legal Services—it is worth its weight in gold, because the folks that I worked with, the folks that I had the privilege to serve under working for $18,000 a year certainly did the job and did it well.

I now look at my salary of $133,000, and I hear people arguing that we should do away with a program where attorneys are paid $18,000, $20,000, $30,000, and I think to myself, here we are making $133,000, and saying that we should do away with Legal Services; perhaps we should think about something else to do away with, and that should not be Legal Services.

Mr. WEYGAND. Mr. Chairman, I rise today to express my extreme disappointment in those who chose to continue their assault on legal services for the working poor in our country. One of the more troubling portions the Commerce, Justice, State Appropriations Act for fiscal year 1998 is the severe cut in funding for the Legal Services Corporation, a private nonprofit corporation established by Congress in 1974 to guarantee all Americans equal access to justice under the law.

Instead of providing equal access to justice for millions of citizens, the majority in this Congress, in my view, has chosen to turn its back. By slashing funding for this program in half from $283 to $141 million—the majority in this House has signaled their indifference for those who cannot afford necessary legal advice on their own.

In my State, as well as many others throughout this country, this cut will be the death knell for the legal representation for the working poor. If these cuts are passed by this House and sustained by the other Chamber, countless hard-working and vulnerable citizens in our districts will be without adequate legal representation.

One of the persons in my State of Rhode Island who will be adversely impacted by these cuts is Mabel. She is a 70-year-old homebound woman whose only source of income is SSI. Because of her low income, Medicaid was supposed to pay her Medicare premiums but she was unaware that she was eligible for this program. A computer glitch erroneously denied her the coverage for which she was eligible—and she struggled to dutifully pay her premiums. Out of the blue, the State informed her that she was now eligible for full coverage and would no longer have to pay her premiums. She questioned the State as to the reason for the change, and learned her earlier payments had been a mistake. She tried unsuccessfully for 9 months to convince the State to reimburse her premium payments.

She then contacted Rhode Island Legal Services and they negotiated the case with the State and local agencies. As a result, Mabel received the $7,000 she had mistakenly paid over the years. Without Rhode Island Legal Services, Mabel would be out in the cold—with no where to turn. Mabel is one of the real people affected by the actions we take in Washington, DC.

Opponents of this program argue that the Constitution does require legal protection in civil cases. Well, then, I ask the following. I ask the opponents of this program to tell a family of four earning $18,000 a year, who have trouble affording food on the table, let alone an attorney—that they do not deserve legal representation after being unjustly evicted from their apartment. I ask the opponents to tell a woman, who has been the victim of domestic violence, that she doesn't deserve legal protection from her abusive husband. I ask the opponents of this program to tell a child, who has been denied the necessities of life because an absent parent has been inconsistent with court mandated child support, that they should not have any legal recourse. I ask the opponents of this program to tell Mabel, that she has no right to the money she paid in error.

I believe that one of the Founders of our country, Thomas Jefferson, in his first inaugural address said it best. When espousing the ideals in which he believed deeply to his new constituents, he mentioned his belief in ''equal and exact justice to all men, of whatever state or persuasion * * *.''

I could not agree more with his words spoken nearly 200 years ago. I urge my colleagues to reconsider this ill-conceived notion that each and every citizen does not deserve legal representation. In conference, I hope we will work together to restore adequate funding to this vital program.

Mr. DELAHUNT. Mr. Chairman, I rise in support of the amendment, which would partially restore funding for the Legal Services Corporation to a level of $250 million.

For over 20 years, Legal Services has been a lifeline for millions of poor Americans with no other means of access to the legal system.

During the past year alone, the Corporation funded programs that helped over 4 million people resolve some 1.4 million cases.

Who are the people behind these statistics?

Women seeking child support or protection against abusive spouses.

Elderly citizens lost in the maze of Government red tape.

Homeless veterans seeking access to benefits.

Abandoned children in need of shelter and care.

Slum tenants facing eviction and small farmers fighting foreclosure.

Those are the people we are talking about. If this amendment fails, thousands of them will have no place to turn.

We know this because that is what happened 2 years ago, when Congress slashed the Corporation's budget by over 30 percent. Because of those cuts, Legal Services handled 300,000 fewer cases in 1996 than in the previous year. In my district in southeastern Massachusetts, this meant that hundreds of families were denied assistance.

Let us not repeat that mistake. Let us not become a nation in which only people with financial means can afford an attorney.

I urge support for the amendment and yield back the balance of my time.

Mr. FARR of California. Mr. Chairman, I rise in strong support of the Fox-Mollohan amendment that would restore the Legal Services Corporation funding level to $250 million.

In my congressional district, Legal Aid of the Central Coast is the only source of legal advice for some 2,000 residents if they want to pursue legal recourse for cases of domestic violence, housing evictions, consumer fraud, and child support—the same kinds of legal problems that could confront any one of us.

The LACC conducts weekly clinics on housing issues—a critical issue for low-income tenants in an area of the country with some of the Nation's highest housing costs. Low-income victims of natural disasters—two of which have occurred in my district—the Loma Prieta earthquake in 1989 and severe flooding in 1995—are disenfranchised from legal recourse without access to legal services provided by the LACC. Its work in protecting children from being forced to live in housing with lead-based paint has been cited in local newspapers.

A recent California State Bar report estimated that the legal needs of three out of four low-income Californians were not met. If the Fox-Mollohan amendment is not approved, LACC could be forced to close 1 week out of every month. It is simply unconscionable to deny legal services to anyone based on their economic resources or lack thereof.

Mrs. MALONEY of New York. Mr. Chairman, I rise today in vigorous support of the Mollohan-Fox amendment, and in support of legal services organizations everywhere that provide a desperately needed legal safety net for low-income Americans. This amendment would restore funding for the Legal Services Corporation to $250 million, an amount that is still 12 percent below last year's level.

The Legal Services Corporation is the embodiment of a founding principle of this country—''Equal Justice Under Law''—through its efforts to provide legal representation to those who could not otherwise afford it. Unfortunately, the Republican-controlled House has long had the Legal Services Corporation in its sights. This year it has recommended a crippling 50 percent cut in a punitive attempt to

curtail the services of this agency. This reduction would virtually eliminate most LSC programs around the country. In reality, this attack is just another way for the Republican majority to systematically disinvest the poor, an action which is both shortsighted and irresponsible.

Mr. Chairman, I am not alone in my support of this desperately needed program. A recent poll conducted by Louis Harris & Associates found that 70 percent of Americans believe Federal funding should be provided for poor Americans who need basic civil legal assistance. The poll also found that 61 percent of Americans believe funding levels should be higher than have been recommended. Clearly, this amendment is not asking for any more than what the American people have decided is fair and just.

I, therefore, urge my colleagues to restore funding to the Legal Services Corporation by voting in favor of the Mollohan-Fox amendment. If we don't make ''Equal Justice'' under the law a reality for all Americans, who will?

Mr. ROGERS. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ROGERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 246, noes 176, not voting 11, as follows:

[Roll No. 449]

AYES—246

Abercrombie	Davis (FL)	Gordon
Ackerman	Davis (IL)	Green
Allen	DeFazio	Greenwood
Andrews	DeGette	Gutierrez
Baesler	Delahunt	Hall (OH)
Baldacci	DeLauro	Hamilton
Barcia	Dellums	Harman
Barrett (WI)	Deutsch	Hefner
Becerra	Diaz-Balart	Hilliard
Bentsen	Dicks	Hinchey
Berman	Dingell	Hinojosa
Berry	Dixon	Holden
Bilbray	Doggett	Hooley
Bishop	Dooley	Horn
Blagojevich	Doyle	Houghton
Blumenauer	Edwards	Hoyer
Boehlert	Ehlers	Hulshof
Bonior	Engel	Hyde
Borski	Eshoo	Jackson (IL)
Boswell	Etheridge	Jackson-Lee (TX)
Boucher	Evans	Jefferson
Boyd	Ewing	John
Brown (CA)	Farr	Johnson (CT)
Brown (FL)	Fattah	Johnson (WI)
Brown (OH)	Fawell	Johnson, E. B.
Camp	Fazio	Kanjorski
Canady	Filner	Kaptur
Capps	Flake	Kelly
Cardin	Foglietta	Kennedy (MA)
Carson	Forbes	Kennedy (RI)
Castle	Ford	Kennelly
Chambliss	Fowler	Kildee
Clay	Fox	Kilpatrick
Clayton	Frank (MA)	Kind (WI)
Clyburn	Franks (NJ)	Kleczka
Condit	Frelinghuysen	Klink
Conyers	Frost	Klug
Costello	Furse	Kucinich
Coyne	Gejdenson	LaFalce
Cramer	Gephardt	LaHood
Cummings	Gilchrest	Lampson
Danner	Gilman	Lantos
LaTourette	Nethercutt	Sherman
Leach	Ney	Sisisky
Levin	Oberstar	Skaggs
Lewis (CA)	Obey	Skelton
Lewis (GA)	Olver	Slaughter
Lipinski	Ortiz	Smith, Adam
Lofgren	Owens	Snyder
Lowey	Pallone	Spratt
Luther	Pascrell	Stabenow
Maloney (CT)	Pastor	Stark
Maloney (NY)	Payne	Stenholm
Manton	Pelosi	Stokes
Markey	Peterson (MN)	Strickland
Martinez	Pickett	Stupak
Mascara	Pomeroy	Tanner
Matsui	Porter	Tauscher
McCarthy (MO)	Poshard	Tauzin
McCarthy (NY)	Price (NC)	Thompson
McCollum	Pryce (OH)	Thurman
McCrery	Quinn	Tierney
McDermott	Rahall	Torres
McGovern	Ramstad	Towns
McHale	Rangel	Traficant
McIntyre	Regula	Turner
McKinney	Reyes	Upton
McNulty	Rivers	Velazquez
Meehan	Rodriguez	Vento
Meek	Roemer	Visclosky
Menendez	Ros-Lehtinen	Walsh
Millender-McDonald	Rothman	Waters
Miller (CA)	Roybal-Allard	Watt (NC)
Minge	Rush	Waxman
Mink	Sabo	Weldon (PA)
Moakley	Sanchez	Wexler
Mollohan	Sanders	Weygand
Moran (VA)	Sandlin	White
Murtha	Sawyer	Wise
Nadler	Schumer	Woolsey
Neal	Scott	Wynn
	Serrano	Yates
	Shays	

NOES—176

Aderholt	Ganske	Oxley
Archer	Gekas	Packard
Armey	Gillmor	Pappas
Bachus	Goode	Parker
Baker	Goodlatte	Paul
Ballenger	Goodling	Paxon
Barr	Goss	Pease
Barrett (NE)	Graham	Peterson (PA)
Bartlett	Granger	Petri
Barton	Gutknecht	Pickering
Bass	Hall (TX)	Pitts
Bateman	Hastert	Pombo
Bereuter	Hastings (WA)	Portman
Bilirakis	Hayworth	Radanovich
Bliley	Hefley	Redmond
Blunt	Hill	Riggs
Boehner	Hilleary	Riley
Bono	Hobson	Rogers
Brady	Hoekstra	Rohrabacher
Bryant	Hostettler	Roukema
Bunning	Hunter	Royce
Burr	Hutchinson	Ryun
Burton	Inglis	Salmon
Buyer	Istook	Sanford
Callahan	Jenkins	Saxton
Calvert	Johnson, Sam	Scarborough
Campbell	Jones	Schaefer, Dan
Cannon	Kasich	Schaffer, Bob
Chabot	Kim	Sensenbrenner
Chenoweth	King (NY)	Sessions
Christensen	Kingston	Shadegg
Coble	Knollenberg	Shaw
Coburn	Kolbe	Shimkus
Combest	Largent	Shuster
Cook	Latham	Skeen
Cooksey	Lewis (KY)	Smith (MI)
Cox	Linder	Smith (NJ)
Crane	Livingston	Smith (OR)
Crapo	LoBiondo	Smith (TX)
Cubin	Lucas	Smith, Linda
Cunningham	Manzullo	Snowbarger
Davis (VA)	McDade	Solomon
Deal	McHugh	Souder
DeLay	McInnis	Spence
Dickey	McIntosh	Stearns
Doolittle	McKeon	Stump
Dreier	Metcalf	Sununu
Duncan	Mica	Talent
Dunn	Miller (FL)	Taylor (MS)
Ehrlich	Moran (KS)	Taylor (NC)
Emerson	Morella	Thomas
English	Myrick	Thornberry
Ensign	Neumann	Thune
Everett	Northup	Tiahrt
Foley	Norwood	Wamp
Gallegly	Nussle	Watkins
Watts (OK)	Whitfield	Young (AK)
Weldon (FL)	Wicker	Young (FL)
Weller	Wolf	

NOT VOTING—11

Bonilla	Gonzalez	Lazio
Clement	Hansen	Rogan
Collins	Hastings (FL)	Schiff
Gibbons	Herger	

□ 1641

The Clerk announced the following pairs:

On this vote:

Mr. Schiff for, with Mr. Herger against.

Messrs. PEASE, KNOLLENBERG, DAVIS of Virginia, and SHIMKUS changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. CLEMENT. Mr. Chairman, on rollcall vote No. 449, I was unavoidably detained on official business. Had I been present, I would have voted ''aye.''

PREFERENTIAL MOTION OFFERED BY MR. GEPHARDT

Mr. GEPHARDT. Mr. Chairman, I have a preferential motion at the desk.

The CHAIRMAN. The Clerk will report the preferential motion.

The Clerk read as follows:

Mr. GEPHARDT moves that the Committee rise.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Missouri [Mr. GEPHARDT].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GEPHARDT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 119, noes 293, not voting 21, as follows:

[Roll No. 450]

AYES—119

Abercrombie	Fattah	Maloney (CT)
Ackerman	Fazio	Maloney (NY)
Allen	Filner	Markey
Andrews	Flake	McCarthy (MO)
Barrett (WI)	Ford	McCarthy (NY)
Becerra	Frank (MA)	McDermott
Bentsen	Furse	McKinney
Berry	Gejdenson	McNulty
Bishop	Gephardt	Meehan
Bonior	Gutierrez	Meek
Borski	Harman	Menendez
Brown (OH)	Hefner	Millender-McDonald
Capps	Hilleary	Miller (CA)
Cardin	Hilliard	Mink
Carson	Hinchey	Nadler
Clay	Hinojosa	Neal
Clyburn	Jackson (IL)	Oberstar
Condit	Jackson-Lee (TX)	Obey
Conyers	Jefferson	Olver
Coyne	Johnson (WI)	Owens
Cramer	Johnson, E. B.	Pallone
Cummings	Kanjorski	Pascrell
Davis (FL)	Kaptur	Payne
DeFazio	Kennedy (RI)	Pelosi
Delahunt	Kennelly	Pomeroy
DeLauro	Kilpatrick	Price (NC)
Dellums	Kind (WI)	Rangel
Deutsch	LaFalce	Roybal-Allard
Doggett	Lantos	Sanchez
Edwards	Largent	Sawyer
Eshoo	Levin	Scott
Etheridge	Lewis (GA)	Serrano
Evans	Lowey	Skelton
Farr		

Snyder	Taylor (MS)	Velazquez
Spratt	Taylor (NC)	Vento
Stenholm	Thompson	Waxman
Strickland	Thurman	Wexler
Stupak	Tierney	Woolsey
Tanner	Torres	
Tauscher	Towns	

NOES—293

Aderholt	Franks (NJ)	Morella
Archer	Frelinghuysen	Murtha
Armey	Frost	Myrick
Bachus	Gallegly	Nethercutt
Baesler	Ganske	Neumann
Baker	Gekas	Ney
Baldacci	Gilchrest	Northup
Ballenger	Gillmor	Norwood
Barcia	Gilman	Nussle
Barr	Goode	Ortiz
Barrett (NE)	Goodlatte	Oxley
Bartlett	Goodling	Packard
Barton	Gordon	Pappas
Bass	Goss	Parker
Bateman	Graham	Pastor
Bereuter	Granger	Paul
Berman	Green	Paxon
Bilbray	Greenwood	Pease
Bilirakis	Gutknecht	Peterson (MN)
Blagojevich	Hall (OH)	Peterson (PA)
Bliley	Hall (TX)	Petri
Blumenauer	Hamilton	Pickering
Blunt	Hastert	Pickett
Boehlert	Hastings (WA)	Pitts
Boehner	Hayworth	Pombo
Bono	Hefley	Porter
Boswell	Hobson	Portman
Boucher	Hoekstra	Poshard
Boyd	Holden	Pryce (OH)
Brady	Hooley	Quinn
Brown (CA)	Horn	Rahall
Brown (FL)	Hostettler	Ramstad
Bryant	Houghton	Redmond
Bunning	Hulshof	Regula
Burr	Hunter	Reyes
Burton	Hutchinson	Riggs
Buyer	Hyde	Riley
Callahan	Inglis	Rivers
Calvert	Istook	Rodriguez
Camp	Jenkins	Roemer
Campbell	John	Rogers
Canady	Johnson (CT)	Rohrabacher
Cannon	Jones	Ros-Lehtinen
Castle	Kasich	Rothman
Chabot	Kelly	Roukema
Chambliss	Kennedy (MA)	Royce
Chenoweth	Kildee	Rush
Christensen	Kim	Ryun
Clement	King (NY)	Sabo
Coble	Kingston	Salmon
Coburn	Kleczka	Sanders
Combest	Klink	Sandlin
Cook	Klug	Sanford
Cooksey	Knollenberg	Saxton
Costello	Kolbe	Schaefer, Dan
Cox	Kucinich	Schaffer, Bob
Crane	LaHood	Schumer
Crapo	Lampson	Sensenbrenner
Cubin	Latham	Sessions
Cunningham	Leach	Shadegg
Danner	Lewis (CA)	Shaw
Davis (IL)	Lewis (KY)	Shays
Davis (VA)	Linder	Sherman
Deal	Lipinski	Shimkus
DeGette	Livingston	Shuster
DeLay	LoBiondo	Sisisky
Diaz-Balart	Lofgren	Skaggs
Dickey	Lucas	Skeen
Dicks	Luther	Slaughter
Dingell	Manton	Smith (MI)
Dixon	Manzullo	Smith (NJ)
Dooley	Mascara	Smith (OR)
Doolittle	McCollum	Smith (TX)
Doyle	McCrery	Smith, Adam
Dreier	McDade	Smith, Linda
Duncan	McGovern	Snowbarger
Dunn	McHale	Solomon
Ehlers	McHugh	Souder
Ehrlich	McInnis	Spence
Emerson	McIntosh	Stabenow
Engel	McIntyre	Stark
English	McKeon	Stearns
Ensign	Metcalf	Stokes
Everett	Mica	Stump
Ewing	Miller (FL)	Sununu
Fawell	Minge	Talent
Foley	Moakley	Tauzin
Forbes	Mollohan	Thomas
Fowler	Moran (KS)	Thornberry
Fox	Moran (VA)	Thune
Tiahrt	Watkins	Whitfield
Traficant	Watt (NC)	Wicker
Turner	Watts (OK)	Wise
Upton	Weldon (FL)	Wolf
Visclosky	Weldon (PA)	Wynn
Walsh	Weller	Young (AK)
Wamp	Weygand	Young (FL)
Waters	White	

NOT VOTING—21

Bonilla	Hastings (FL)	Martinez
Clayton	Herger	Matsui
Collins	Hill	Radanovich
Foglietta	Hoyer	Rogan
Gibbons	Johnson, Sam	Scarborough
Gonzalez	LaTourette	Schiff
Hansen	Lazio	Yates

□ 1702

Mr. Maloney of Connecticut changed his vote from ''no'' to ''aye.''

So the motion was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. ARMEY was allowed to speak out of order.)

EXPRESSING APPRECIATION TO MANAGERS OF H.R. 2267, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. ARMEY. Mr. Chairman, I would like to predicate my comments by first appreciating the bill managers on the floor on this bill, the gentleman from Kentucky [Mr. ROGERS] and the gentleman from West Virginia [Mr. MOLLOHAN], for their good work and their willingness last night to stay and to work late, and, in fact, later than they had intended, to help move this bill along and to do so in such a way as to relieve the Members of the need to come back here for votes last night. They worked until 10. I think we had our last votes around 6 last night.

I would like to on behalf of all the Members appreciate the two bill managers for their generosity of spirit and their consideration. I realize and I am sure you all do, I know I did especially last night, a special evening with me and my wife, we had a chance to be together, at least on the phone, that it is for all of us always a special appreciation when we have had time with our families because of the consideration of our colleagues. In that regard obviously we are moving as fast as we can to complete the appropriations business before the end of the year and, hopefully, as soon as possible to wrap up the year's business so that we may be able to spend time, with the year's work completed, with our families in our own districts where we can relate to our own constituents sooner instead of later.

This is a very important piece of legislation toward that end, and even though we have had four procedural votes during consideration of this bill that unfortunately have, by and large, undone the time advantage we may have had as a body through the sacrifices made last night by our colleagues, I think that we all understand the need in the larger scheme of things to stay as long as we can to resolve the completion of this bill tonight. We intend to do everything we can to achieve that on behalf of all of us and our respective workloads.

I am sure that the bill managers would find their generosity of last evening rewarded and appreciated and the Members of the House would feel appreciative if we could proceed toward completion of this work this evening without further procedural delays. I am sure everybody would like to encourage everybody to take that way of showing appreciation to these two fine gentlemen who have managed this bill with such patience and appreciation for their colleagues.

REQUEST TO SPEAK OUT OF ORDER

Mr. SOLOMON. Mr. Chairman, I ask unanimous consent to speak out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Ms. KILPATRICK. Mr. Chairman, reserving the right to object, I would like to ask the gentleman a question. The majority leader just spoke of our schedule for the coming days and tonight. Last night in the Committee on House Oversight, House Resolution 244 was voted out of committee. We have major concerns on this side about the resolution. We would like to know, is it scheduled for the rules? When will it be taken up? The resolution as passed by the Committee on House Oversight concerning California's 46th Congressional District with Congresswoman SANCHEZ, we would like to know when it is going to the Committee on Rules and when it will be scheduled so we can prepare ourselves.

Mr. SOLOMON. Mr. Chairman, will the gentlewoman yield?

Ms. KILPATRICK. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, I am not aware of a request to expedite the legislation. I believe I understand the legislation the gentlewoman is referring to, but I will certainly check into it and be glad to get back to the House and let them know.

Ms. KILPATRICK. I thank the gentleman from New York.

I see the gentleman from California [Mr. THOMAS] on the floor. We are told over here that it is scheduled for Monday afternoon. It is H. Res. 244. Perhaps the gentleman from California might want to comment. We are trying to understand so we can know what the schedule is.

Mr. THOMAS. Mr. Chairman, will the gentlewoman yield?

Ms. KILPATRICK. I yield to the gentleman from California.

Mr. THOMAS. Mr. Chairman, the committee met yesterday and passed the resolution. I have submitted a letter to the chairman of the Committee on Rules, and Rules, I assume, under normal order of business will examine the resolution and will act on it as the Committee on Rules does.

I do not know where the gentlewoman gets her information, but the chairman of the Committee on Rules, and he will check with his staff, has found out that it is being handled in the normal procedure. I thank the gentlewoman for yielding.

Mr. SOLOMON. If the gentlewoman will yield further under her reservation, I have just been informed by the gentleman that there is a letter of request in my office. If that is the case, I would intend to include that on an agenda after I have had the opportunity to speak with the gentleman from Massachusetts [Mr. MOAKLEY], and we would more than likely include that.

The gentleman from Massachusetts considers himself notified, and there will be a rules meeting Monday night at 6 o'clock on that issue along with others.

Ms. KILPATRICK. I thank the gentleman.

Mr. BECERRA. Mr. Chairman, will the gentlewoman yield?

Ms. KILPATRICK. Further reserving the right to object, I yield to the gentleman from California.

Mr. BECERRA. If I may direct a question to the distinguished chairman from the Committee on Rules, the chairman may know or others may know, there is a grave amount of concern brewing on the part of a number of Members of Congress with regard to the course that this investigation, now 11 months old, has taken with regard to the investigation in the 46th Congressional District and the alleged improprieties in voting. This resolution and, as quickly as I was able to glance at it, House Resolution 244 evidently calls upon the Department of Justice to initiate criminal proceedings against an organization which it deems noncompliant to a subpoena that was issued against it or to it by this Committee on House Oversight in regards to the Sanchez case.

My understanding is that this organization is appealing the issuance of that subpoena on constitutional grounds. My further understanding is that there is some grave concern as to the reach of some of these subpoenas. My further understanding is there is grave concern that this committee, the Committee on House Oversight, has sent out more than 500,000 names with additional private information gathered from the Department of Justice, INS, and is now requesting assistance from the Secretary of State of California for further investigation of some 500,000 names.

Mr. SOLOMON. Would the gentleman propound the question because we have regular order to follow.

Mr. BECERRA. I will propound the question. I had to give some background so the gentleman would be able to answer the question. My question is this: If the Committee on Rules is thinking of taking up this House Resolution which would call upon the Department of Justice to initiate criminal proceedings on an organization that believes its constitutional rights may be violated if it were to have to respond to this subpoena, then I believe a number of us would have a great amount of concern allowing the House to take that course of action given a number of things that the House has done in regard to the Sanchez investigation.

Ms. KILPATRICK. Mr. Chairman, reclaiming my time, I yield to the gentleman from New York.

Mr. SOLOMON. I would just say that under regular order, when the Committee on Rules receives a letter from the chairman of a committee, we would follow regular order. We would hold the meeting. The gentleman is certainly welcome to come up and testify and make his case.

Mr. THOMAS. Mr. Chairman, if the gentlewoman will yield further, in the gentleman from California's background, as an information to the chairman of the Committee on Rules, he stated a number of factual errors, and I do think the record should be accurate rather than the representations that were made. The committee did not issue a subpoena to the organization that he referred to. It was issued under the statute of the Contested Elections Act. It was disputed as to its constitutionality. House counsel indicated it was constitutional. The judge who issued the subpoena in a recent opinion indicated that it was constitutional.

The gentleman indicated that we have transmitted 500,000 names to somebody. That is absolutely factually untrue, and I understand it was mentioned at a press conference. It is repeated here on the floor of the House. I would tell the gentleman he had better get his facts straight before he continues to repeat them.

Mr. BECERRA. Mr. Chairman, if the gentlewoman will yield briefly under her reservation, I will note for purposes of this particular request for expedition of time and the conduct of this House's duties that if, in fact, the Committee on House Oversight intends to take this action, a number of us intend to do whatever we can in the minority party to exert whatever rights we have to ensure that there is some justice in this matter for the investigation in the Sanchez case. If we are hoping to have clean and smooth conduct of business, I think it is going to quickly wind down and not happen if we have this type of activity continue to occur.

Ms. KILPATRICK. Reclaiming my time, Mr. Chairman, I have been told and it has been reaffirmed by the gentleman from New York that this resolution will be scheduled for Monday afternoon.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

□ 1715

Mr. MILLER of California. Mr. Chairman, I reserve the right to object, and I do so to——

Mr. SOLOMON. Mr. Chairman, I did not have the opportunity to speak to my wife last night for several hours as the majority leader did, so I am still trying to communicate with her. But as we race on to adjournment—

The CHAIRMAN. The gentleman from California [Mr. MILLER] controls the time under his reservation.

Mr. MILLER of California. Mr. Chairman, the reason I reserve the right to object hopefully is to respond to not only the scheduling change here but also the comments by the majority leader.

Mr. SOLOMON. Mr. Chairman, I object to my unanimous-consent request.

The CHAIRMAN. The gentleman withdraws his unanimous-consent request.

Mr. MILLER of California. Mr. Chairman, I withdraw my reservation of objection.

AMENDMENT NO. 22 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. SANDERS:
Page 38, line 22, after ''$21,700,000'' insert ''(increased by $1,000,000)''.
Page 54, line 11, after ''$28,490,000'' insert ''(reduced by $1,000,000)''.

The CHAIRMAN. Is there objection to considering this amendment at this stage?

Mr. KOLBE. Mr. Chairman, I reserve a point of order.

Mr. Chairman, I would like to hear the gentleman explain his amendment but would reserve the point of order.

The CHAIRMAN. The gentleman from Vermont [Mr. SANDERS] shall have an opportunity to state his case on the amendment. The gentleman is recognized for 5 minutes.

PARLIAMENTARY INQUIRY

Mr. SANDERS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SANDERS. Mr. Chairman, am I recognized for 5 minutes on my amendment?

The CHAIRMAN. A point of order has been reserved. The gentleman from Vermont [Mr. SANDERS] is recognized for 5 minutes on his amendment, recognizing that there is a point of order pending against his amendment.

The gentleman from Vermont [Mr. SANDERS] is recognized for 5 minutes.

Mr. SANDERS. Mr. Chairman, this amendment is an amendment of enormous consequence which is supported by people with very different political philosophies. This amendment is cosponsored by the gentleman from Oregon [Mr. DEFAZIO], by the gentleman from Ohio [Mr. NEY], by the gentleman from California [Mr. DELLUMS], by the gentleman from Florida [Mr. STEARNS], by the gentleman from Ohio [Mr. BROWN], and by the gentleman from California [Mr. ROHRABACHER], by Republicans, Democrats and Independent, by conservatives and progressives, and what this amendment says is that we believe in democracy and we believe that legislation passed at the local level, at the State level, and here in the U.S. Congress should not be overridden by the World Trade Organization.

And while we may disagree about this piece of legislation or that piece of legislation, we think that there is something very wrong about our trade policy whereby this Government has abdicated enormous responsibility and whereby major environmental legislation, legislation dealing with human rights and other important issues, is now threatened and has been threatened by the World Trade Organization. We believe that there is something very wrong when important environmental legislation passed by this Congress is overridden by people in Geneva who meet behind closed doors. We think there is something wrong when legislation passed in the State of Vermont, State of Massachusetts designed to bring back democracy in Burma is threatened by the World Trade Organization.

Mr. Chairman, let me take a moment now to yield to my friend, the gentleman from Florida [Mr. STEARNS] who has been very active in this issue.

Mr. STEARNS. Mr. Chairman, I want to thank my colleague from Vermont, and I want to thank my colleague from Arizona for his kindness in letting us at least just talk about it briefly here. Basically, what we are trying to do is give the U.S. Trade Representative more money so he can investigate, look at the U.S. laws, both local and State, that are impacted by the World Trade Organization when it makes decisions, and do they override actually in effect some of these laws at the local and State level.

As my colleagues know, Mr. Chairman, President Clinton, since he has taken office they have negotiated more than 200 trade agreements, and of these 200 trade agreements only 2 of them have had fast track. This, certainly, deflates the administration's claim that our Nation is in dire need of fast track.

So I think the important point here is that this amendment that the gentleman from Vermont [Mr. SANDERS] is offering, and others including myself, will allow the U.S. Trade Representative to have additional resources to study the impact of the World Trade Organization on the laws, the sovereign laws at the State and the local level, and to get back to Congress to see what impact these trade negotiations are having.

Mr. Chairman, I rise today to speak in favor of the Sanders-Stearns and friends amendment to this appropriations bill.

Since President Clinton has taken office, the administration has negotiated more than 200 trade agreements. By the way only two of these 200 agreements have had fast-track authority, NAFTA and the Uruguay round of GATT. This fact certainly deflates the administration's claims that out Nation is in dire need for fast-track.

We have to be honest with the American people. These trade agreements have a profound affect on them and they have a profound affect on local, State, and Federal laws.

That is why Mr. SANDERS originated this amendment.

There is great concern that U.S. laws, which lawmakers in Congress, State legislatures, and localities have worked hard to establish, continue to be overturned by faceless bureaucrats during trade negotiations.

And what can we do as the elected representatives of this great Nation that will stand up for the laws already in the books? Many of us would obviously like to stop this constant disregard for U.S. laws, but we are limited in our ability to make such a stand during consideration of an appropriation bill.

This amendment will allow the U.S. Trade Representative to have additional resources needed to research and study the American laws that will be affected by trade negotiations.

Even in the President's fast-track legislation, section 5(a)(1)(B) states that, ''within 60 calendar days after entering into (an) agreement, the President (must) submit to the Congress a description of those changes to existing laws that the President considers would be required in order to bring the United States into compliance with the (proposed) agreement.''

It seems obvious to me that the administration through fast-track, which I personally oppose, is preparing to overturn countless laws. This amendment will give the USTR greater ability in determining which laws are to be attacked.

I would like to make one specific point about fast-track and the harm it has caused constituents throughout Florida, not just in my district. Last week, Secretary of State Madeleine Albright gave a speech before the Institute for International Economics.

In her speech she said,

We are preparing to negotiate a further opening in agricultural markets. Our farmers are by far the world's most productive. They help feed the world. But they do so despite tariffs on U.S. products that in some cases are as high as 100 percent. They also confront many nontariff barriers. In gaining access to this $500 billion a year market we want a level playing field for American agriculture. But to get it, we need fast-track.

Well, if I am not mistaken, were these promises of agriculture access and reduced tariffs not made during consideration of NAFTA and the previous granting of fast-track?

So what has been the track-record of the fast-track?

Since NAFTA has begun, Florida agriculture has lost in excess of $1 billion—Florida tomato farmers have alone lost $750 million. So much for level playing fields and reduced tariffs. According the O'Conner & Hannan law firm of Washington, DC,

For tomatoes, the losses are clearly due to the dumping of Mexican tomatoes in the U.S. market as determined by the Commerce Department. The primary cause of the injuries to Florida agriculture is NAFTA and its ineffectual safeguard provisions.

The Florida Department of Citrus has further informed me, that after 3 years of NAFTA, Florida citrus is still not even allowed into Mexico. How is this possibly free or fair trade?

Congress needs to stand up to this destruction of American industries such as agriculture. The Sanders amendment is a first step to informing ourselves of the legal consequences of pervasive ''free'' trade agreements.

Mr. SANDERS. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Vermont has 1½ minutes remaining.

Mr. SANDERS. I yield to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, we need to understand what is at risk here:

The Buy American Act is at risk; the Helms–Burton Act supported so strongly by some of my colleagues on that side of the aisle is at risk here; all local State laws which go to local preference and purchasing are at risk here; the sovereignty not only of our Nation but of our States and our local communities is at risk. We need this amendment to get additional money to the U.S. Trade Representative so that they can defend our interests and unearth these ticking time bombs in some of these trade agreements and prevent the overturning of these laws by secret tribunals in Geneva.

This amendment should be heard and should be voted on on the floor.

Mr. SANDERS. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I would simply note that the State that I represent passed legislation which said that the State did not wish to do business with people who supported the terribly repressive regime in Burma, and we have since that time had international efforts to stop the State of Massachusetts from deciding how to spend its own dollars in purchases, and that is why I support the effort of the gentleman from Vermont [Mr. SANDERS]. If we are going to have people use these international bodies to object because we object to oppression, then the time has come to fight back.

The CHAIRMAN. The time of the gentleman from Vermont [Mr. SANDERS] has expired.

Mr. SANDERS. Mr. Chairman, I ask unanimous consent for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

Mr. KOLBE. Mr. Chairman, I do object.

The CHAIRMAN. Objection is heard.

POINT OF ORDER

Mr. KOLBE. Mr. Chairman, reclaiming my time, I was ready to and I did allow this brief discussion of this, but I do feel compelled to rise to make the point of order against the gentleman's amendment because it seeks to amend the paragraph in this bill that has already been read under the 5-minute rule, and the House Manual states very clearly in section 872 that when a paragraph or section has been passed it is not in order to return thereto.

While I am tempted to debate the issues here, I regret that to say the gentleman's amendment does come too late, and I would ask for a ruling from the Chair.

The CHAIRMAN. Would the gentleman from Vermont like to be heard on the point of order?

Mr. SANDERS. Absolutely.

The CHAIRMAN. The Chair recognizes the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, let me explain what happened.

As I understand it, last night a unanimous consent was agreed to by which the Legal Services amendment would be called up first after the five rollcall votes which we voted upon earlier today, and that was confirmed to me by everybody. I was here on the floor of the House ready to go, and I was told, no, Legal Services is coming up. I went up to my office.

For some reason which I do not understand, and I expect it was inadvertent, the Clerk read the first 2 or 3 pages of title 2 of the Justice—Commerce—State appropriation bill before the Legal Services debate began, and the place in the text in which I had an amendment cosponsored by Republicans and Democrats alike was therefore passed.

Given that reality and my belief that this error was inadvertent, that everyone here believed that Legal Services was going to be debated first, I have asked for and am asking now for unanimous consent so that we can debate this very, very important issue which concerns millions of Americans who are deeply concerned about our trade policy.

PARLIAMENTARY INQUIRY

Mr. KOLBE. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. KOLBE. Mr. Chairman, is the unanimous consent in order at the time that we are considering a point of order?

The CHAIRMAN. The Chair will not entertain a unanimous consent, but the gentleman from Vermont certainly has an opportunity to be heard on the gentleman from Arizona's point of order.

The Chair is prepared to rule.

Mr. MILLER of California. Reserving the right to object, Mr. Chairman, on the point of order?

The CHAIRMAN. The Chair will hear the gentleman from California.

Mr. MILLER of California. Yes, on the point of order, since the point of order seems intent upon cutting off the rights of the gentleman from Vermont [Mr. SANDERS], I use a reservation of objection to rise in strong support of the gentleman's amendment and I ask unanimous consent to revise and extend.

The CHAIRMAN. The gentleman from California may not revise and extend his remarks on a point of order.

The CHAIRMAN. The Chair will now rule.

Upon his timely reservation of the point of order, the gentleman from Arizona [Mr. KOLBE] makes the point of order that the amendment proposes to change a portion of the bill already passed in the reading.

As indicated on page 680 of the manual, the point of order is well taken and is, therefore, sustained.

Mr. DEFAZIO. Mr. Chairman, I appeal the ruling of the Chair.

The CHAIRMAN. The question is, shall the judgment of the Chair stand as the judgment of the Committee?

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 231, noes 188, not voting 14, as follows:

[Roll No. 451]

AYES—231

Aderholt	Gilchrest	Packard
Archer	Gillmor	Pappas
Armey	Gilman	Parker
Bachus	Goodlatte	Paul
Baker	Goodling	Paxon
Ballenger	Goss	Pease
Barr	Graham	Peterson (PA)
Barrett (NE)	Granger	Petri
Bartlett	Greenwood	Pickering
Barton	Gutknecht	Pitts
Bass	Hall (TX)	Pombo
Bateman	Hastert	Porter
Bereuter	Hastings (WA)	Portman
Berman	Hayworth	Pryce (OH)
Bilbray	Hefley	Quinn
Bilirakis	Herger	Radanovich
Bliley	Hill	Rahall
Blunt	Hilleary	Ramstad
Boehlert	Hobson	Redmond
Boehner	Hoekstra	Regula
Bono	Horn	Riggs
Brady	Hostettler	Riley
Bryant	Houghton	Rogers
Bunning	Hoyer	Rohrabacher
Burr	Hulshof	Ros-Lehtinen
Burton	Hunter	Roukema
Buyer	Hutchinson	Royce
Callahan	Hyde	Ryun
Calvert	Inglis	Salmon
Camp	Istook	Sanford
Campbell	Jenkins	Saxton
Canady	Johnson (CT)	Scarborough
Cannon	Johnson, Sam	Schaefer, Dan
Cardin	Jones	Schaffer, Bob
Castle	Kanjorski	Sensenbrenner
Chabot	Kasich	Sessions
Chambliss	Kelly	Shadegg
Chenoweth	Kim	Shaw
Christensen	King (NY)	Shays
Coble	Kingston	Shimkus
Coburn	Klug	Shuster
Combest	Knollenberg	Skeen
Cook	Kolbe	Slaughter
Cooksey	LaHood	Smith (MI)
Cox	Largent	Smith (NJ)
Crane	Latham	Smith (OR)
Crapo	LaTourette	Smith (TX)
Cubin	Leach	Smith, Linda
Cunningham	Lewis (CA)	Snowbarger
Davis (VA)	Lewis (KY)	Solomon
Deal	Linder	Souder
DeLay	Livingston	Spence
Diaz-Balart	LoBiondo	Stearns
Dickey	Lucas	Stump
Doolittle	Manzullo	Sununu
Dreier	McCollum	Talent
Duncan	McCrery	Tauzin
Dunn	McDade	Taylor (NC)
Ehlers	McHugh	Thomas
Ehrlich	McInnis	Thornberry
Emerson	McIntosh	Thune
English	McKeon	Tiahrt
Ensign	Metcalf	Traficant
Everett	Mica	Upton
Ewing	Miller (FL)	Walsh
Fattah	Moran (KS)	Wamp
Fawell	Morella	Watkins
Foley	Murtha	Watts (OK)
Forbes	Myrick	Weldon (FL)
Fowler	Nethercutt	Weller
Fox	Neumann	White
Franks (NJ)	Ney	Whitfield
Frelinghuysen	Northup	Wicker
Gallegly	Norwood	Wolf
Ganske	Nussle	Yates
Gekas	Obey	Young (AK)
Gephardt	Oxley	Young (FL)

NOES—188

Abercrombie	Baldacci	Bentsen
Allen	Barcia	Berry
Andrews	Barrett (WI)	Bishop
Baesler	Becerra	Blagojevich
Blumenauer	Hooley	Pascrell
Bonior	Jackson (IL)	Pastor
Borski	Jackson-Lee (TX)	Payne
Boswell	Jefferson	Pelosi
Boyd	John	Peterson (MN)
Brown (CA)	Johnson (WI)	Pickett
Brown (FL)	Johnson, E. B.	Pomeroy
Brown (OH)	Kaptur	Poshard
Capps	Kennedy (MA)	Price (NC)
Carson	Kennedy (RI)	Rangel
Clay	Kennelly	Reyes
Clayton	Kildee	Rivers
Clement	Kilpatrick	Rodriguez
Clyburn	Kind (WI)	Roemer
Condit	Kleczka	Rothman
Conyers	Klink	Roybal-Allard
Costello	Kucinich	Rush
Coyne	LaFalce	Sabo
Cramer	Lampson	Sanchez
Cummings	Lantos	Sanders
Danner	Levin	Sandlin
Davis (FL)	Lewis (GA)	Sawyer
Davis (IL)	Lipinski	Schumer
DeFazio	Lofgren	Scott
DeGette	Lowey	Serrano
Delahunt	Luther	Sherman
DeLauro	Maloney (CT)	Sisisky
Dellums	Maloney (NY)	Skaggs
Deutsch	Manton	Skelton
Dicks	Markey	Smith, Adam
Dingell	Martinez	Snyder
Dixon	Mascara	Spratt
Doggett	Matsui	Stabenow
Dooley	McCarthy (MO)	Stark
Doyle	McCarthy (NY)	Stenholm
Edwards	McDermott	Stokes
Engel	McGovern	Strickland
Eshoo	McHale	Stupak
Etheridge	McIntyre	Tanner
Evans	McKinney	Tauscher
Farr	McNulty	Taylor (MS)
Fazio	Meehan	Thompson
Filner	Meek	Thurman
Ford	Menendez	Tierney
Frank (MA)	Millender-McDonald	Torres
Frost	Miller (CA)	Towns
Furse	Minge	Turner
Gejdenson	Mink	Velazquez
Goode	Moakley	Vento
Gordon	Mollohan	Visclosky
Green	Moran (VA)	Waters
Gutierrez	Nadler	Watt (NC)
Hall (OH)	Neal	Waxman
Hamilton	Oberstar	Wexler
Harman	Olver	Weygand
Hefner	Ortiz	Wise
Hilliard	Owens	Woolsey
Hinchey	Pallone	Wynn
Hinojosa		
Holden		

NOT VOTING—14

Ackerman	Foglietta	Lazio
Bonilla	Gibbons	Rogan
Boucher	Gonzalez	Schiff
Collins	Hansen	Weldon (PA)
Flake	Hastings (FL)	

□ 1749

Messrs. YATES, KANJORSKI, EWING, BOB SCHAFFER of Colorado, SMITH of Michigan, SHIMKUS, FATTAH, BERMAN, and Ms. DUNN changed their vote from ''no'' to ''aye.''

So the ruling of the Chair was sustained.

The result of the vote was announced as above recorded.

Mr. ROGERS. Mr. Chairman, the glue that holds this body together is comity and fairness on both sides of the aisle. The gentleman from Vermont [Mr. SANDERS], in my opinion, has a legitimate complaint procedurally, about not being able to offer his amendment.

In the spirit of fairness and comity, I ask unanimous consent that the gentleman from Vermont [Mr. SANDERS], be allowed to offer his amendment and that debate on the amendment be limited to 20 minutes, 10 per side.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The Chair understands that the time limitation would include any amendments thereto.

Without objection, that is the order.

There was no objection.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore [Mr. BAKER] assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Committee resumed its sitting.

(By unanimous consent, Mr. SOLOMON was allowed to speak out of order.)

AMENDMENT PROCESS FOR H.R. 1127, NATIONAL MONUMENT FAIRNESS ACT OF 1997

Mr. SOLOMON. Mr. Chairman, the Committee on Rules is planning to meet next Monday, September 29, to grant a rule which may limit the amendments which may be offered to H.R. 1127, the National Monument Fairness Act; that is, the Monument Antiquities Act.

Any Member who wishes to offer an amendment should submit 55 copies and a brief explanation of the amendment by noon on Monday, September 29, to the Committee on Rules, at room H–312 in the Capitol.

H.R. 1127 was ordered reported by the Committee on Resources on June 25, and the report was filed on July 21. Amendments should be drafted to the text of the bill as reported by the Committee on Resources.

Members should use the Office of Legislative Counsel to make sure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the Rules of the House.

Mr. Speaker, the Committee on Rules also is planning to meet the same evening, on Monday, September 29 to grant a rule which may restrict amendments for consideration of H.R. 1370, the Export-Import Bank Reauthorization bill.

Any Member contemplating any amendments should submit 55 copies of the amendment and a brief explanation to the Committee on Rules in H–312 of the Capitol no later than noon on Monday, September 29.

Amendments should be drafted to the text of the bill as reported, copies of which will be available in the document room.

I thank the membership for their consideration.

AMENDMENT NO. 22 OFFERED BY MR. SANDERS

The CHAIRMAN. Under the previous order of the Committee, it is in order to consider amendment No. 22 offered by the gentleman from Vermont [Mr. SANDERS].

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. SANDERS:

Page 38, line 22, after ''$21,700,000'' insert ''(increased by $1,000,000)''.

Page 54, line 11, after ''$28,490,000'' insert ''(reduced by $1,000,000)''.

The CHAIRMAN. The gentleman from Vermont [Mr. SANDERS] and the gentleman from Arizona [Mr. KOLBE] each will control 10 minutes.

The Chair recognizes the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me at this point thank both the gentleman from Kentucky [Mr. ROGERS] and the gentleman from West Virginia [Mr. MOLLOHAN] and Members from both sides of the aisle for their commitment to fairness. I think that is the right thing to do, and I appreciate it.

Mr. Chairman, this amendment is a tripartisan amendment sponsored by progressives and conservatives, Democrats, Republicans, and an Independent.

Mr. Chairman, in my view, our current trade policy is a disaster. This year we are going to run up a $200 billion merchandise trade deficit, the largest in our history, and it is a deficit that is going to cost us millions of decent-paying jobs. But, Mr. Chairman, as serious as the economic implications of our trade policy are, this amendment deals with an issue that is even more important.

This amendment deals with democracy and national sovereignty and the right of the American people, through their local, State and nationally elected bodies, to make legislation which the American people believe is in their best interests.

The Members of Congress who are cosponsoring this legislation have different political points of view. We disagree on everything, but we agree that it is the people of the United States of America who should decide the important issues and not people in the World Trade Organization meeting behind closed doors in Switzerland who should make those decisions and who should override legislation that we pass, that State government passes, that local government passes.

□ 1800

Briefly stated, what is some of the legislation that is being threatened, that has been threatened? The WTO, through the urging of Venezuela, forced changes in our Clean Air Act. Mexico forced changes in the Marine Mammal Protection Act.

Southeast Asian countries have filed complaints against American restrictions on shrimp. A Massachusetts law promoting democracy in Burma, which has also been passed by many cities all over America, is now being brought before the WTO by the European Union and Japan. If Massachusetts loses that case, they must take their law off of the books or risk being punished by trade sanctions.

The bottom line here is that no matter what Members' political views are, and I disagree with Helms-Burton, voted against it, want to see it repealed, but I want to see that debate take place here in Congress, and not have somebody through the WTO overrule it. That is the issue.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. CRANE], the very distinguished chairman of the Subcommittee on Trade of the Committee on Ways and Means.

Mr. CRANE. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman I rise in strong opposition to this amendment. As chairman of the authorizing subcommittee, I object to the policy which motivates the original supporters of the amendment, who feel that additional resources should be provided to the U.S. Trade Representative to identify the effect of the multilateral agreement on investments [MAI] on State and local laws. I do not believe that the funds should be used for this purpose. I am concerned about the use of these funds for any purpose which might alter the progress of the Multilateral Agreement on Investment.

The MAI is the first comprehensive multilateral agreement on investments. However, it is not entirely new. The MAI builds on over 1,000, bilateral investment treaties already in force around the world. Most of those agreements include investor-to-state dispute settlement procedures. The agreement will not force the United States to lower standards, and it will not prevent Congress from regulating the behavior of companies, nor are we agreeing to a dispute settlement process that can force changes in U.S. law. There will be no loss of sovereignty under the MAI.

This amendment would deter progress on developing international rules for investment that mirror our international rules for trade by which U.S. companies and their workers have benefited from fairness, openness, and transparency.

I therefore strongly oppose the amendment offered by the gentleman from Vermont [Mr. SANDERS], and I urge my colleagues to vote ''no.''

Mr. SANDERS. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. STEARNS].

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Vermont [Mr. SANDERS]. We have to be honest with the American people. These trade agreements have a profound effect on them, and they have a profound effect on local, State, and Federal laws. That is why the gentleman from Vermont has offered this amendment.

There is great concern that the United States laws, which lawmakers in Congress, State legislatures, and localities have worked hard to establish and pass, continue to be overturned by faceless bureaucrats during trade negotiations. These bureaucrats could be in the World Trade Organization or they could be anywhere.

What can we do, as elected representatives of this great Nation? We will stand up for the laws that are on the books. Many of us would obviously like to stop this constant disregard for U.S. laws, but we are limited in our ability to make such a stand during consideration of appropriations bills, and now we have an opportunity.

Make no mistake about it, this vote is a miniature GATT Fast Track II. What we are saying here today is if Members vote for this, they are saying we should transfer money out of the administration of the Commerce Department to the U.S. Trade Representative, and let this department look at the impact of the World Trade Organization on Members' local and State laws. Members cannot be against that. They have a fiduciary relationship with the people in their districts to say, is the World Trade Organization impacting my congressional district?

The President of the United States is talking up here on the Hill about pushing fast track. But many of us in this congressional House feel strongly that we need to have an early vote. I applaud the gentleman from Vermont [Mr. SANDERS] for going ahead and putting this in place.

Mr. SANDERS. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentleman for yielding me the time.

We in the Congress have a serious responsibility to make sure that the principles of American Federalism are not trampled in the rush to approve new trade agreements under fast track. I support the Sanders amendment because we need to send U.S. trade negotiators a clear signal that Congress cares deeply about the fundamental precepts of American sovereignty.

We have worked hard to build a consensus around clean air, safe drinking water, and a pure safe food supply. We should not give it up. Vote ''yes'' on the Sanders amendment.

Mr. SANDERS. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio [Mr. NEY].

Mr. NEY. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, let me just say very quickly that we realize there is a give and take when we are dealing with the world and trade policies, but most of it has been a take from this country. What is going to happen in Switzerland is going to affect township trustees, county commissioners, Governors, and citizens of the United States.

This is a commonsense approach, it is a commonsense amendment. All it wants to do is to simply say we should inform people. People have a right to know in this country. We should support the Sanders amendment. It is the right thing to do for America, it is the right thing to do to inform people in our society.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentleman from Ohio [Mr. KUCINICH].

Mr. KUCINICH. Mr. Chairman, we need a national economic policy which protects our nation. We need a national economic policy which respects and reestablishes America as a sovereign Nation. We need a national economic policy which places the interests of the American people first among all international trade agreements.

But the World Trade Organization ruled against U.S. regulations on clean air, U.S. consumer protections. They ruled violated WTO rules. The WTO ruled against regulations on hormone-treated beef. Now is the time to take a stand on behalf of our rights as a people to self-determination.

The WTO does not care about the rights of the American people. The WTO does not care about the rights of our workers, about our environment. It is the American Congress which must stand up for the people. Outside of America, the international community does not care. We, the Congress, must protect we, the people.

Mr. KOLBE. Mr. Chairman, I yield 30 seconds to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN of Virginia. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I would ask, as I read the amendment, this would add $1 million to the U.S. Trade Representative's office to continue the good work they are doing in terms of representing us and furthering the globalization of our economy, and the progress of our domestic production. I do not see, I am baffled by some of the things that are being said. But the amendment itself is only a $1 million increase to the U.S. Trade Representative's office. If that is what it does, I do not have a problem with it.

Mr. SANDERS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of the Sanders amendment. There is an alarm bell going off all over the United States, and some people can hear it on the right, and some people can hear it on the left, and some people are ignoring the alarm bell. Other people are trying to set the fire.

Mr. Chairman, the bottom line is we are being rushed time and again into conceding the authority that was vested in us by the Constitution of the United States to multinational organizations in the name of creating some global trading system, in the name of facilitating global and international commerce.

Mr. Chairman, I may have my disagreements with the gentleman from Ohio [Mr. KUCINICH] on issues of labor and the environment, but the last thing I want to do is grant authority to some international organization, none of whom will be voted on by the American people, to make these decisions.

We will rue the day when we have granted authority to someone who has no obligation to the voters of the United States to make these decisions. Big business today may think they are getting something in the environmental area or the labor area, but all the American people will suffer a loss of freedom if we give it away to these international organizations.

Mr. SANDERS. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, we need to unearth and understand any provisions of any pending trade agreements which might undermine the sovereignty of the United States or our many States or our local governments. According to Renato Ruggiero, Director General of the WTO, in referencing the pending MAI agreement, we are writing the Constitution of a single economy. That is the man in charge. He is saying, the Constitution of a single economy. That is not our Constitution. It is not compliant with our Constitution or our sovereignty.

They have so far challenged the Helms-Burton law, the Clean Air Act, a Massachusetts law that is promoting democracy in Burma, and restrictions on shrimp, and buy-America provisions and buy-Oregon provisions, or buy-California or buy-Arizona provisions will all be held to be non-compliant with this MAI.

We are asking for $1 million to the United States Trade Representative to have them fully investigate, unearth, and report to us in the Congress, the representatives of the people of this country, what the reality of these agreements and these threats are, so we may be more fully informed. Mr. Chairman, I have one agreement with the gentleman from Virginia, we should have this money and we should know what we are voting on.

Mr. KOLBE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Oklahoma [Mr. WATKINS].

(Mr. WATKINS asked and was given permission to revise and extend his remarks.)

Mr. WATKINS. Mr. Chairman, I rise to say that I agreed with many things that have been said by the minority side concerning this amendment. I would like to clarify some matters, though. I think emotionally some people get carried away.

I know the gentleman from Ohio stated that it was the WTO that put

the embargo against the growth hormone on beef. That is not true. Mr. Chairman, that was a unilateral decision by the European Union after the GATT negotiations. Our own USTR did push for a penalty on the unfair trade barrier being placed against growth hormones. I have been fighting the battle to lift the growth hormone ban for 7 months. I have been fighting, pounding the table, becoming obnoxious about this unfair trade barrier. We must have stronger people to negotiate and fight for the United States position.

The point I am making, Mr. Chairman, if it had not been for the WTO finally recognizing and ruling against this unfair trade practice placed upon our beef producers by the European Union we would not have a world decision in our favor. It took several years by the USTR and 7 months of my own effort and we have to go through a 90-day appeal. Mr. Chairman, I am thankful under that circumstance the WTO was there to help, or rule against the European Union—125 million unfair trade balance against our beef producers. I think our beef people are going to reap a lot of benefit from it.

□ 1815

Mr. KOLBE. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, as the gentleman from Virginia pointed out, this amendment is very different than the debate that we have been having here tonight. Let us understand what it is and what it is not. The amendment would shift $1 million from the Department of Commerce to the U.S. Trade Representative's Office, period. That is all it does. The rhetoric is about a lot of other stuff, but the rhetoric has nothing to do with the actual amendment.

Since we have just gotten an amended budget request from the President on the USTR to add money to USTR, it may be not a bad idea. If this amendment passes, we will certainly use it for that purpose, since the USTR needs the money to hire some attorneys to carry out their activities, but certainly not anything dealing with this.

Mr. SANDERS. Mr. Chairman, would the gentleman yield?

Mr. KOLBE. No, I do not have the time to yield. The gentleman from Vermont [Mr. SANDERS] has his own time. He got 5 extra minutes on the earlier motion.

Let me just clarify a few other things about what is being proposed. The earlier ''Dear Colleague'' letter that Members received from some of the sponsors, talked about this is dealing with the multilateral agreement on investment. In fact, it talked about the role that the multilateral agreement, or MIA as we will call it, has with the World Trade Organization, or WTO. But there is not any link between the MIA and the WTO. To say there is a link between those two is simply incorrect.

The fact is, however, that the new multilateral agreement on investments builds upon 1,000 bilateral investment agreements that are already in force around the world. All of those agreements have some kind of investor dispute settlement mechanism in them. Most of them are done through the World Bank's International Center for Settlement of Investment Disputes. The center has been in existence since 1966. It is one of the primary forces for settling these kinds of disputes.

We have to have something to settle disputes when investors get into some kind a dispute. This is the first comprehensive multilateral investment agreement that we have had, and in that sense it is new, but it is certainly high time. We have an increasingly complex world of trade out there, an increasing complex economic situation, and we have to have agreements and we have to have institutions that can deal with settling disputes. That is why we have this multilateral agreement on investments, and that is why we need to have some kind of mechanism for dealing with these.

Let us talk a little bit about what the WTO has done and what the WTO has not done. There is a lot of confusion about that. People say that we are giving up our sovereignty to this organization. But we don't. The WTO is like a lot of other institutions; we have them in a whole range of other areas for settling disputes when disputes arise.

We have an increasing amount of trade in the world, so we have an increasing amount of disputes in the world. The first five cases that we have taken to the WTO we have won. We won against Japan on their liquor taxes. We won against Canada on their restrictions on magazines. We won against the European Union on their banana imports. We won against the European Union on their hormone ban. And we won against India on their patent law.

As a result of having been able to threaten actions in the WTO, we have gotten significant settlements in other disputes with Korea, with the European Union, with Japan, with Portugal, with Pakistan, with Turkey, with Hungary, a whole variety of them.

Mr. Chairman, let me just conclude by saying this: This issue does not have anything to do with the WTO at all. The rhetoric may, but certainly the amendment does not. This amendment is about policy. It suggests a major policy change. Thus is the reason why we should not debate this kind of thing on appropriation bills. It is the kind of thing that needs to be considered very carefully, in a very complex proposal in the authorizing committee, and I would urge us to not be misled by the rhetoric we have heard here today.

(Mr. ROGERS asked and was given permission to speak out of order for 1 minute.)

LEGISLATIVE SCHEDULE FOR TONIGHT

Mr. ROGERS. Mr. Chairman, a lot of Members are asking about the schedule for the evening. We have been discussing that with leadership on both sides. Here is the intention at the moment as to how to proceed: We would intend that the vote on this matter be rolled and combined with the vote on the next amendment, which I understand is the EDA amendment.

If that is so, then Members would have roughly an hour between now and when the votes would be taken. At that time, there would be the two votes, presumably, unless there is a motion to rise or some other procedural motion that takes place. That is the intent of leadership at this point in time.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, would the gentleman from Kentucky [Mr. ROGERS] anticipate that the EDA vote would be taken first and be a 15-minute vote and that the vote on this amendment would be taken second?

Mr. ROGERS. Reclaiming my time, either way. I have no real preference. I have no preference. If anyone has a preference, I am open.

Mr. SANDERS. Mr. Chairman, if the gentleman will yield, I do. I would prefer if we could vote this after the debate. We will be finished in a few minutes. Let us vote it, Members are here, and then go off to dinner.

Mr. ROGERS. I have no problem with that.

Do I understand the gentleman from Vermont [Mr. SANDERS] to say that he would prefer not to roll his vote until the EDA vote?

Mr. SANDERS. I prefer to vote it right after the debate, which will end in a few minutes.

Mr. ROGERS. I would hope that the gentleman could accommodate Members and perhaps combine the two votes so that we would have some time off between votes.

Mr. BECERRA. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from California.

Mr. BECERRA. Mr. Chairman, for purposes of instructing Members who are here and those who are not, I would remind the chairman and those Members that there may be procedural votes called in between the substantive amendments that may be voted on as well.

So I doubt very seriously that there will be an hour's worth of time that people would be able to be gone.

Mr. ROGERS. I would regret that. I would hope that we could proceed with the business of the House and cease the endless motions to rise and the like. I would hope that we can accommodate the Members and let everyone have a few minutes of time perhaps for other duties.

The CHAIRMAN. Who yields time under the Sanders amendment?

Mr. SANDERS. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Vermont [Mr. SANDERS] has 1

minute and 45 seconds, and the gentleman from Arizona [Mr. KOLBE] has 3 minutes remaining.

Mr. KOLBE. Mr. Chairman, we have just one speaker and we have the right to close. So I will reserve the balance of my time.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, the gentleman from Arizona [Mr. KOLBE] just gave us a preview of his speech on Fast Track. I do not know what he knows about the WTO.

I have just spent the last year dealing with the WTO on one of those issues that he just alluded to, the one that had to do with the European Union. In our country, we have the opportunity to go to the meetings, we can go to committee meetings, we can come to this Congress, we can go to school boards and our state legislatures.

We do not know who is making the decisions at the WTO. We do not know who is on the panel. Nobody is going to send us a notice. Nobody is going to give us a telephone call. We do not have the opportunity to give our point of view.

I want to tell my colleagues, they just made a decision that is going to cause the drug lords in the Caribbean to take over where the banana trade has been knocked out by the WTO, and we are going to see dope and those drugs in the districts that we represent in America.

Support this. At least we can get a report on what they are doing, what they are supposed to do. And perhaps we can all get educated about the WTO so that we will not go down the line that we apparently are going down to allow them to make decisions about this country and our laws.

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

Let me in fact talk about the intent of this amendment. Because I am the author of the amendment, I know something about its intent. If we had the ability, we would have brought forth limitation amendments to stop the USTR from doing what they are doing. But we could not do that. So the intent here is to transfer $1 million from Commerce to the USTR only for two purposes:

First, to do a much better job of informing all Members of Congress when a formal trade complaint is filed or threatened at the WTO or other international bodies or when entering into new trade agreements which would compel the repeal or changes in our current national, State, local, tribal, territorial, or D.C. laws.

Second, to do a much better job of defending and arguing in support of our existing trade and trade-related laws that are in dispute between the WTO and other international bodies. This is as far as we can go.

Mr. Chairman, I yield my remaining time to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I would ask support for the amendment. The public has the right to know this information.

The CHAIRMAN. The time of the gentleman from Vermont [Mr. SANDERS] has expired.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Vermont [Mr. SANDERS] may wish his amendment did that, but it does not do that.

Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Chairman, I rise in strong opposition to this amendment. I think that many of the arguments that have been made by a number of my colleagues on both sides of the aisle are very well-intentioned. But frankly, they are in large part based on fear.

If one looks at the World Trade Organization, we know what a horrible acronym that is out there. There are many people who believe that the World Trade Organization is going to take over the United States of America. But the fact is, I ask people to name one single instance of where U.S. sovereignty or the sovereignty of any State has been jeopardized, and the fact is it has not.

We also, Mr. Chairman, need to look at the fact that there is no tie whatsoever between the multilateral agreement on investment, the MAI and the WTO. It seems to me that as we look at where we are going, I want as much information out as possible. But the United States of America is the world's only complete superpower of the military, economically and geopolitically.

I happen to have a great deal of confidence. My colleague, the gentlewoman from California [Ms. WATERS] just talked about how closed this is. The fact is, the United States of America is represented there as the world's preeminent leader.

I believe that we need to do everything that we possibly can to break down barriers. I think that Members on both sides of this aisle want us to embark on agreements which will reduce the burden of taxes on our working Americans and on the people.

Mr. DEFAZIO. Mr. Chairman, will the gentleman from California yield?

Mr. DREIER. I have very limited time, and I am in the midst of my closing remarks. Did the gentleman from Oregon have a chance to speak?

Mr. DEFAZIO. I did. I would love to rebut.

Mr. DREIER. That is why I have been given the opportunity to close here, and I appreciate having the chance to do that.

It seems to me, Mr. Chairman, that as we look at where we are headed, this is well-intentioned, but the fact is I think that it would undermine our attempt to proceed with our attempts in those 1,000 agreements that are in the process of moving ahead so that we can cut that burden.

So I urge a ''no'' vote on this and hope my colleagues will join in doing that.

Mr. MILLER of California. Mr. Chairman, I rise in strong support of the gentleman's amendment. Every time the Office of the U.S. Trade Representative commits this Nation to the provisions of an international trade agreement, they potentially bind American citizens to changes in dozens of Federal, State, or local laws. What makes matters worse is that, if the agreement has been negotiated under fast-track authority, the elected representatives of those people have no opportunity to amend the legislation implementing the agreement.

Let me give you some examples of why this amendment is so important. In 1991, the fishing industry in Mexico decided it did not approve of the United States law protecting the thousands of dolphins slaughtered each year in the Pacific tuna fishery. Mexico challenged that law under the rules of the General Agreement on Tariffs and Trade, and a panel of unselected trade bureaucrats, meeting behind closed doors in Geneva, decided our popular law, enacted by an open democratic process, was a barrier to free trade. They told us to change it—and this year, amid massive controversy and in spite of tremendous opposition from the American people, we did. Mexico and the GATT got their way, and more dolphins will die this year as a result.

In 1993, right after the administration assured us that our entry into the newly created World Trade Organization would not require any weakening of United States environmental protection laws, Venezuela challenged EPA regulations issued under the Clean Air Act, claiming that the regulations discriminated against foreign refiners. Even though Venezuela's gasoline produces more smog-emitting chemicals than American refiners are permitted to sell, in 1996 the WTO ordered the United States to change its regulations because they were a barrier to free trade, and EPA is now rewriting the regulations.

Today, the United States is fighting similar challenges behind closed doors in Geneva. Several Asian countries have challenged a provision of our Endangered Species Act that protects sea turtles. On the human rights front, the United States is currently defending a Massachusetts law prohibiting companies that do business with the State government from also doing business with the oppressive regime in Burma. Clearly, even State laws are subject to challenge by other nations under WTO rules.

Now let me point to the latest, and perhaps most egregious, example of how our laws can be held hostage by foreign-owned corporations. Included in the fast-track request sent to Congress last week by the President is a little-known item called the Multilateral Agreement on Investment. The MAI has been under negotiation by the developed nations of the world for the past 2 years, but these negotiations have been kept so secret that no one could confirm their existence until this past April. According to the director of the World Trade Organization, the MAI is ''the constitution of a single global economy.''

Here in my hand is a list of the State laws that could be challenged under the MAI as inconsistent with the agreement. They range from California laws promoting investment in facilities for processing recycled materials to Alaska laws limiting permits for mineral extraction on public lands. Federal statutes affected

would include laws providing special incentives for minority-owned businesses or for companies that employ local workers.

Trade agreements are no longer about lowering tariffs or eliminating quotas. They cover everything from the contents of the milk our children drink to the way we manage our fisheries. It's time to update the way we approve of these agreements as well.

The democratically elected members of the Congress and State legislatures have a right to know whether the trade agreements that this or any other administration commits us to have an impact on our laws, and for that very important reason I urge my colleagues to support the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Vermont [Mr. SANDERS].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 239, further proceedings on the amendment offered by the gentleman from Vermont [Mr. SANDERS] will be postponed.

PREFERENTIAL MOTION OFFERED BY MR. DE FAZIO

Mr. DEFAZIO. Mr. Chairman, I have a preferential motion at the desk.

The Clerk read as follows:

Mr. DEFAZIO moves that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Oregon [Mr. DEFAZIO].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DEFAZIO. If they give us the vote, I withdraw the motion.

The CHAIRMAN. The gentleman from Vermont is recognized.

Mr. SANDERS. Mr. Chairman, I ask unanimous consent that we be allowed to vote the amendment up or down right now.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont to renew his request for a recorded vote on his amendment at this time?

There was no objection.

Mr. DEFAZIO. Mr. Chairman, I withdraw my motion to rise.

The CHAIRMAN. Without objection, the proceedings on the motion to rise are vacated.

There was no objection.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 356, noes 64, not voting 13, as follows:

[Roll No. 452]

AYES—356

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baesler
Baldacci
Barcia
Barr
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Berman
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Calvert
Camp
Canady
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dingell
Dixon
Doggett
Doolittle
Doyle
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fazio
Filner
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
Kingston
Kleczka
Klink
Klug
Kucinich
LaFalce
Lampson
Lantos
Largent
LaTourette
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Nadler
Neal
Neumann
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Yates
Young (FL)

NOES—64

Archer
Baker
Ballenger
Barrett (NE)
Bateman
Bereuter
Berry
Bilbray
Callahan
Campbell
Cannon
Christensen
Crane
Cubin
Davis (VA)
DeLay
Dickey
Dicks
Dooley
Dreier
Dunn
Everett
Fawell
Frelinghuysen
Gekas
Gilchrest
Goss
Granger
Hamilton
Hastert
Hastings (WA)
Horn
Houghton
Hoyer
Hyde
Johnson (CT)
King (NY)
Knollenberg
Kolbe
LaHood
Latham
Leach
Levin
Livingston
Manzullo
Matsui
McCrery
Miller (FL)
Moran (VA)
Morella
Nethercutt
Nussle
Oxley
Packard
Pickett
Porter
Rogers
Roukema
Sanford
Shaw
Skeen
Snyder
Thomas
White

NOT VOTING—13

Bonilla
Collins
Flake
Foglietta
Gibbons
Gonzalez
Hansen
Hastings (FL)
Lazio
Rogan
Schiff
Wynn
Young (AK)

□ 1849

Messrs. PACKARD, SNYDER, DICKS, CANNON, WHITE, KENNEDY of Massachusetts, and Mr. HOYER changed their vote from ''aye'' to ''no.''

Messrs. BUNNING, EHLERS, TALENT, Mrs. MYRICK, Mr. BLUNT, and Mr. GREENWOOD changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PREFERENTIAL MOTION OFFERED BY MR. BECERRA

Mr. BECERRA. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. BECERRA moves that the Committee do now rise.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from California [Mr. BECERRA].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BECERRA. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 107, noes 294, not voting 32, as follows:

[Roll No. 453]

AYES—107

Abercrombie	Filner	Nadler
Ackerman	Ford	Oberstar
Allen	Frank (MA)	Obey
Andrews	Furse	Olver
Barrett (WI)	Gejdenson	Owens
Becerra	Gephardt	Pallone
Berry	Gutierrez	Pastor
Bishop	Harman	Payne
Bonior	Hilliard	Pelosi
Borski	Hinchey	Peterson (MN)
Brown (OH)	Hoyer	Petri
Capps	Jackson (IL)	Pomeroy
Chenoweth	Jefferson	Rangel
Clay	Kaptur	Roybal-Allard
Clayton	Kennedy (RI)	Sanchez
Clyburn	Kennelly	Sawyer
Condit	LaFalce	Serrano
Conyers	Lantos	Skelton
Coyne	Levin	Slaughter
Cummings	Lewis (GA)	Smith, Adam
Davis (FL)	Lowey	Snyder
DeFazio	Maloney (NY)	Stark
DeGette	Markey	Strickland
Delahunt	Martinez	Stupak
DeLauro	McCarthy (MO)	Tauscher
Dellums	McDermott	Taylor (MS)
Deutsch	McGovern	Thompson
Doggett	McKinney	Thurman
Doolittle	McNulty	Tierney
Edwards	Meehan	Torres
Engel	Menendez	Towns
Eshoo	Millender-McDonald	Velazquez
Evans	Miller (CA)	Vento
Farr	Mink	Waters
Fattah	Moakley	Waxman
Fazio		Woolsey

NOES—294

Aderholt	Cunningham	Holden
Archer	Danner	Hooley
Bachus	Davis (IL)	Horn
Baesler	Davis (VA)	Hostettler
Baker	Deal	Houghton
Baldacci	DeLay	Hulshof
Barcia	Diaz-Balart	Hunter
Barr	Dickey	Hutchinson
Barrett (NE)	Dicks	Inglis
Bartlett	Dingell	Istook
Barton	Dixon	Jackson-Lee (TX)
Bass	Dooley	
Bateman	Dreier	Jenkins
Bentsen	Duncan	John
Bereuter	Dunn	Johnson (CT)
Berman	Ehlers	Johnson (WI)
Bilbray	Ehrlich	Johnson, E. B.
Bilirakis	Emerson	Jones
Blagojevich	English	Kanjorski
Bliley	Ensign	Kasich
Blumenauer	Etheridge	Kelly
Blunt	Everett	Kennedy (MA)
Boehlert	Foley	Kildee
Boehner	Forbes	Kilpatrick
Bono	Fowler	Kim
Boswell	Fox	Kind (WI)
Boucher	Franks (NJ)	King (NY)
Boyd	Frelinghuysen	Kingston
Brady	Frost	Kleczka
Brown (CA)	Gallegly	Klink
Brown (FL)	Ganske	Klug
Bryant	Gekas	Knollenberg
Bunning	Gilchrest	Kolbe
Burr	Gilman	Kucinich
Burton	Goode	LaHood
Buyer	Goodlatte	Lampson
Callahan	Goodling	Latham
Calvert	Gordon	LaTourette
Camp	Goss	Leach
Campbell	Graham	Lewis (CA)
Canady	Granger	Lewis (KY)
Cannon	Green	Linder
Cardin	Greenwood	Lipinski
Carson	Gutknecht	Livingston
Castle	Hall (OH)	LoBiondo
Chabot	Hall (TX)	Lofgren
Chambliss	Hamilton	Lucas
Clement	Hastert	Luther
Coble	Hastings (WA)	Maloney (CT)
Combest	Hayworth	Manton
Cook	Hefley	Manzullo
Cooksey	Hefner	Mascara
Costello	Herger	Matsui
Cox	Hill	McCarthy (NY)
Cramer	Hilleary	McCollum
Crane	Hinojosa	McCrery
Crapo	Hobson	McDade
Cubin	Hoekstra	McHale
McHugh	Radanovich	Smith (NJ)
McInnis	Rahall	Smith (TX)
McIntosh	Ramstad	Smith, Linda
McIntyre	Redmond	Snowbarger
McKeon	Regula	Solomon
Meek	Reyes	Souder
Metcalf	Riggs	Spence
Mica	Riley	Spratt
Miller (FL)	Rivers	Stabenow
Minge	Rodriguez	Stearns
Mollohan	Rogers	Stenholm
Moran (KS)	Rohrabacher	Stokes
Moran (VA)	Ros-Lehtinen	Stump
Morella	Rothman	Sununu
Murtha	Roukema	Talent
Myrick	Royce	Tanner
Neal	Rush	Tauzin
Nethercutt	Ryun	Taylor (NC)
Neumann	Sabo	Thomas
Ney	Salmon	Thornberry
Northup	Sanders	Thune
Norwood	Sandlin	Tiahrt
Nussle	Sanford	Traficant
Packard	Saxton	Turner
Pappas	Scarborough	Upton
Parker	Schaefer, Dan	Visclosky
Pascrell	Schaffer, Bob	Walsh
Paul	Schumer	Watkins
Paxon	Scott	Watt (NC)
Pease	Sensenbrenner	Watts (OK)
Peterson (PA)	Sessions	Weldon (FL)
Pickering	Shadegg	Weldon (PA)
Pickett	Shaw	Weller
Pitts	Shays	Wexler
Pombo	Sherman	Weygand
Porter	Shimkus	White
Portman	Shuster	Wise
Poshard	Sisisky	Wolf
Price (NC)	Skaggs	Young (FL)
Pryce (OH)	Skeen	
Quinn	Smith (MI)	

NOT VOTING—32

Armey	Gibbons	Roemer
Ballenger	Gillmor	Rogan
Bonilla	Gonzalez	Schiff
Christensen	Hansen	Smith (OR)
Coburn	Hastings (FL)	Wamp
Collins	Hyde	Whitfield
Doyle	Johnson, Sam	Wicker
Ewing	Largent	Wynn
Fawell	Lazio	Yates
Flake	Ortiz	Young (AK)
Foglietta	Oxley	

☐ 1909

Mrs. CLAYTON and Mr. ENGEL changed their vote from ''no'' to ''aye.''

So the motion was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to the open portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, Public Law 91–304, and such laws that were in effect immediately before September 30, 1982, and for trade adjustment assistance, $340,000,000: *Provided,* That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection with securing grants and contracts made by the Economic Development Administration: *Provided further,* That, notwithstanding any other provision of law, the Secretary of Commerce may provide financial assistance for projects to be located on military installations closed or scheduled for closure or realignment to grantees eligible for assistance under the Public Works and Economic Development Act of 1965, as amended, without it being required that the grantee have title or ability to obtain a lease for the property, for the useful life of the project, when in the opinion of the Secretary of Commerce, such financial assistance is necessary for the economic development of the area: *Provided further,* That the Secretary of Commerce may, as the Secretary considers appropriate, consult with the Secretary of Defense regarding the title to land on military installations closed or scheduled for closure or realignment.

AMENDMENT NO. 18 OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer amendment No. 18.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. HEFLEY:

Page 42, line 11, after the dollar amount, insert the following: ''(reduced by $90,000,000)''.

☐ 1915

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes, and that the time be equally divided.

Mr. MILLER of California. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

POINT OF ORDER

Mr. MOLLOHAN. Mr. Chairman, point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MOLLOHAN. Mr. Chairman, I thought we were proceeding under a time agreement, are we not?

The CHAIRMAN. There was an objection heard on the unanimous-consent request.

Mr. MOLLOHAN. But previous to that, we had an agreement on time, did we not?

Mr. HEFLEY. Mr. Chairman, if I may respond to the gentleman, it had not come to the floor yet. I am perfectly agreeable to the time agreement.

Mr. MOLLOHAN. I thought that was already in agreement. I thank the Chairman.

Mr. HEFLEY. Mr. Chairman, it has become an annual ritual, like the swallows returning to Capistrano, that we in the bill increase the amount of money to be designated for the Economic Development Administration, and every year I come down here with some of my colleagues, Mr. Chairman, and try to do away with the Economic Development Administration.

I am not trying to do that this year, but I am trying to bring the amount of money back to some kind of a reasonable figure, if we think we even need it. This is a wasteful agency and an agency that we will get rid of eventually; whether it is this year or next year, we will eventually, but at this point I am just trying to cut back to some kind of reason.

This is an amendment that is sometimes hard on friendships. The agency has been on the chopping block for years, but it has survived not on the merits of the program, because the program has few merits, but it survives because it makes Representatives and Senators look good.

Mr. Chairman, the Heritage Foundation calls the EDA the No. 1 Federal boondoggle which could be eliminated tomorrow without hurting anyone at all, and they are right. The EDA duplicates the activities of 62 other community development programs and 340 Federal economic development-related programs administered by 13 separate agencies. We simply do not need it, first of all; and second, it does not work.

Now, when we have a problem around here and we do not want to make a decision, what do we do? We say, well, let us get the GAO to do a study of it to get the facts so we will know what to do. Well, the GAO has done a study of the EDA, and it says that it has had a very small effect on income growth rates during the period that the aid was received and no significant effects in the 3 years after the aid ceased. This does not compute to the good-paying, long-term jobs the EDA is said to create.

Mr. Chairman, the value of this program that will be argued here tonight is fiction. The Senate received testimony to this effect in June of this year, and consequently had decided to appropriate only $250 million, I say only, but it is a lot of money, more than I would want, but it said, they have said $250 million to the EDA. We have gone far above that. I urge my colleagues to approve this amendment and bring the EDA's funding in line with the Senate bill.

This has been a target of Presidents, this has been a target of almost every think tank that has looked at it and tried to evaluate it. It has been a target of the GAO. Instead of getting rid of it, let us at least bring it down to the Senate level.

Mr. ROGERS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, here we go again. This is an amendment to drastically cut the Economic Development Administration, and I strongly urge a ''no'' vote.

We debated the issue of EDA on this bill last year and the year before and the year before, and on and on. Last year 328 Members of this body, a majority of Republicans and Democrats, voted resoundingly to support the work of the EDA and to reject this cut. I urge the House again to defeat the Hefley amendment.

If we do not vote this amendment down, we will be depriving hard-hit communities in every State in this country of the vital assistance these programs provide. EDA gives our poorest urban and rural areas the tools to raise themselves up by their own bootstraps, to create new jobs, expand their local tax base, and leverage private investment. It gives them a hand, not a handout.

If one's town is hard hit by sudden and severe job losses when a plant shuts down, EDA is the place to go. If one's community has been devastated by a natural disaster, like the recent floods this year in the Midwest, EDA is the place one can turn to. If one's district has suffered from cutbacks in the defense industry, EDA is the only Federal program dedicated to helping your community retool its economy. If my colleagues do not believe me, ask California.

Critics of the program fail to recognize that the EDA has been reformed, reduced, and streamlined over the last 3 years. This bill cuts EDA funding by 15 percent below the current level. Due to the congressional oversight by both the authorizing committee of this body and the Committee on Appropriations, EDA's grants are truly targeted to the most distressed areas. The development and selection of projects has been moved out of Washington and back toward the local and State levels, and EDA's bureaucracy has been cut by over one-third in the last 2 years.

In addition, since the vote last year, the House has continued to demonstrate its support for EDA programs. Our colleagues in the Committee on Transportation and Infrastructure will soon approve an EDA reauthorization bill that reforms the programs and responds to the past criticisms of this program.

Mr. Chairman, clearly, there are communities that do not need help. They have infrastructure, they have industry, they have access to education, and all the requirements for a healthy regional economy. Other areas, that must rely on us and EDA to help them cope with job loss and defense cuts and other economic disasters, need us. They are the ones that need our help. They are the ones who are turning to us for our vote.

So I urge Members to do as they did last year and the year before and the year before by an overwhelming margin. Vote down this amendment.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore [Mr. LATOURETTE] assumed the chair.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2266) ''An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.''

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 871) ''An Act to establish the Oklahoma City National Memorial as a unit of the National Park System; to designate the Oklahoma City Memorial Trust, and for other purposes.''

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Committee resumed its sitting.

PRIVILEGED MOTION OFFERED BY MR. BECERRA

Mr. BECERRA. Mr. Chairman, I offer a privileged motion.

The Clerk read as follows:

Mr. BECERRA moves that the Committee do now rise.

The CHAIRMAN. The question is on the privileged motion offered by the gentleman from California [Mr. BECERRA].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BECERRA. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 103, noes 281, not voting 49, as follows:

[Roll No. 454]

AYES—103

Abercrombie	Ford	Miller (CA)
Ackerman	Frank (MA)	Mink
Allen	Furse	Moakley
Andrews	Gejdenson	Nadler
Barrett (WI)	Gephardt	Neal
Becerra	Gutierrez	Oberstar
Berry	Harman	Obey
Bishop	Hefner	Olver
Bonior	Hilliard	Owens
Borski	Hinchey	Pallone
Brown (OH)	Hoyer	Peterson (MN)
Carson	Jackson-Lee (TX)	Pomeroy
Chenoweth	Jefferson	Rangel
Clay	Johnson (WI)	Roybal-Allard
Clayton	Kaptur	Sanchez
Clyburn	Kennedy (RI)	Sawyer
Conyers	Kennelly	Serrano
Coyne	Kilpatrick	Skelton
Davis (FL)	LaFalce	Slaughter
DeFazio	Lantos	Snyder
DeGette	Levin	Stark
Delahunt	Lewis (GA)	Strickland
DeLauro	Lowey	Stupak
Dellums	Maloney (NY)	Tauscher
Deutsch	Markey	Taylor (MS)
Doggett	Martinez	Thompson
Doolittle	McCarthy (MO)	Thurman
Edwards	McDermott	Tierney
Engel	McGovern	Torres
Eshoo	McKinney	Towns
Evans	McNulty	Velazquez
Farr	Meehan	Vento
Fattah	Millender-McDonald	Waters
Fazio	Mink	Waxman
Filner	Moakley	Woolsey

NOES—281

Aderholt	Brady	Costello
Bachus	Brown (CA)	Cox
Baesler	Brown (FL)	Cramer
Baker	Bryant	Crane
Baldacci	Bunning	Crapo
Barcia	Burr	Cunningham
Barr	Burton	Danner
Barrett (NE)	Buyer	Davis (IL)
Bartlett	Callahan	Deal
Barton	Calvert	DeLay
Bass	Camp	Dickey
Bateman	Campbell	Dicks
Bentsen	Canady	Dingell
Bereuter	Cannon	Dixon
Berman	Capps	Dreier
Bilbray	Cardin	Duncan
Bilirakis	Castle	Dunn
Blagojevich	Chabot	Ehlers
Blumenauer	Chambliss	Ehrlich
Blunt	Christensen	Emerson
Boehlert	Clement	English
Boehner	Coble	Ensign
Bono	Combest	Etheridge
Boswell	Condit	Everett
Boucher	Cook	Fawell
Boyd	Cooksey	Foley

Forbes	Leach	Roemer
Fowler	Lewis (CA)	Rogers
Fox	Lewis (KY)	Rohrabacher
Franks (NJ)	Lipinski	Ros-Lehtinen
Frelinghuysen	Livingston	Rothman
Frost	LoBiondo	Roukema
Gallegly	Lofgren	Royce
Ganske	Lucas	Rush
Gekas	Luther	Ryun
Gilchrest	Maloney (CT)	Sabo
Gilman	Manton	Sandlin
Goode	Mascara	Sanford
Goodlatte	Matsui	Saxton
Goodling	McCarthy (NY)	Schaefer, Dan
Gordon	McCollum	Schaffer, Bob
Goss	McCrery	Schumer
Graham	McHale	Scott
Granger	McHugh	Sensenbrenner
Green	McInnis	Sessions
Greenwood	McIntosh	Shadegg
Gutknecht	McIntyre	Shaw
Hall (OH)	McKeon	Shays
Hall (TX)	Meek	Sherman
Hamilton	Menendez	Shimkus
Hastert	Metcalf	Shuster
Hastings (WA)	Mica	Sisisky
Hayworth	Miller (FL)	Skaggs
Hefley	Minge	Skeen
Herger	Mollohan	Smith (MI)
Hill	Moran (KS)	Smith (NJ)
Hinojosa	Murtha	Smith (TX)
Hobson	Myrick	Smith, Adam
Hoekstra	Nethercutt	Smith, Linda
Holden	Neumann	Snowbarger
Hooley	Ney	Solomon
Horn	Northup	Souder
Hostettler	Norwood	Spence
Houghton	Nussle	Spratt
Hulshof	Ortiz	Stabenow
Hunter	Packard	Stearns
Hutchinson	Pappas	Stenholm
Hyde	Pascrell	Stokes
Inglis	Pastor	Stump
Istook	Paul	Sununu
Jackson (IL)	Paxon	Talent
Jenkins	Payne	Tanner
John	Pease	Tauzin
Johnson (CT)	Peterson (PA)	Thomas
Johnson, E. B.	Petri	Thune
Jones	Pickering	Tiahrt
Kanjorski	Pickett	Traficant
Kasich	Pitts	Turner
Kelly	Pombo	Upton
Kennedy (MA)	Porter	Visclosky
Kildee	Portman	Walsh
Kim	Poshard	Watkins
Kind (WI)	Price (NC)	Watt (NC)
King (NY)	Pryce (OH)	Watts (OK)
Kingston	Quinn	Weldon (FL)
Klink	Radanovich	Weldon (PA)
Klug	Ramstad	Weller
Knollenberg	Redmond	Wexler
Kolbe	Regula	Weygand
Kucinich	Reyes	White
LaHood	Riggs	Whitfield
Lampson	Riley	Wise
Latham	Rivers	Wynn
LaTourette	Rodriguez	

NOT VOTING—49

Archer	Gillmor	Rahall
Armey	Gonzalez	Rogan
Ballenger	Hansen	Salmon
Bliley	Hastings (FL)	Sanders
Bonilla	Hilleary	Scarborough
Coburn	Johnson, Sam	Schiff
Collins	Kleczka	Smith (OR)
Cubin	Largent	Taylor (NC)
Cummings	Lazio	Thornberry
Davis (VA)	Linder	Wamp
Diaz-Balart	Manzullo	Wicker
Dooley	McDade	Wolf
Doyle	Moran (VA)	Yates
Ewing	Morella	Young (AK)
Flake	Oxley	Young (FL)
Foglietta	Parker	
Gibbons	Pelosi	

□ 1945

Mr. GUTKNECHT changed his vote from ''aye'' to ''no''.

Mr. NEAL of Massachusetts changed his vote from ''no'' to ''aye''.

So the motion was rejected.

The result of the vote was announced as above recorded.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the Hefley amendment.

Mr. Chairman, I join the chairman of the committee in rising in strong opposition to the Hefley amendment to cut $90 million from the funding provided for the Economic Development Administration.

I know of no other agency, no other program in the Federal Government more critical to the economic development needs of communities around this Nation than EDA. EDA programs target funds to areas in need of assistance and respond to special needs of each individual town and city. EDA has programs which benefit communities in almost every stage of the development process.

For communities experiencing structural economic changes, EDA provides flexibility assistance to help them design and implement their own local recovery strategies. For communities facing prolonged economic distress, EDA provides the funding necessary to repair decaying infrastructure and to develop new infrastructures needed for business growth.

For communities faced with massive job loss associated with defense downsizing, EDA provides the funding to develop projects at the local level that support community revitalization priorities. EDA's grant and technical assistance programs really work. Any of my colleagues can look around their districts and point to economic success stories catalyzed by EDA funding.

EDA's grant programs represent an investment in our Nation's future, the future of our cities, our towns, and neighborhoods. Over the last 30 years, EDA has invested $15.6 billion in our Nation's distressed communities, creating more than 2.8 million jobs and leveraging almost $2 billion in private sector capital.

EDA has a proven success record, with over 39,000 economic development projects completed under its programs. EDA makes good fiscal sense. More than $3 million in outside investment has been leveraged for every Federal dollar invested in EDA programs.

In closing, Mr. Chairman, economic development is a local process with a specific appropriated Federal role. EDA, in direct partnership with the stressed communities, provides seed funding that promotes long-term investments that respond to locally defined economic priorities.

Mr. SHUSTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to this amendment. It is easy if one is from an affluent area of America to say we do not need to invest in the poorer parts of our country. But the fact is that the Economic Development Administration is absolutely crucial to the investment needed in the poorest of our geographical areas of this country.

We are talking about investment that not only is going to create jobs, but we are also talking about investment that is going to make these poor areas of America better places to live and work. We are talking about environmental improvement, as well. We are talking about improving the lives of the people who live in this area and the families and the kids.

In the last Congress, we had a vote on this issue; and in that last Congress, over 300 Members voted overwhelmingly to reject this amendment. Indeed, a majority of Republicans voted against this amendment. A majority of Democrats voted against this amendment. And for good reason: Because we need to have EDA investment in those areas of America which need to bootstrap themselves up.

Indeed, Rutgers University recently released a study which shows that for every dollar of EDA money invested in a region, $10 of private money is invested. We cannot hardly get a better investment than that in America.

So let us support EDA. Let us invest in America. Let us build infrastructure in the poorest of our geographical regions. Vote down this amendment. Support EDA. It is good for America.

Mr. OLVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Hefley amendment, which would eliminate about a quarter of the funding for the Economic Development Administration. The author of the amendment has said that there are some 62 agencies that overlap or duplicate the economic development efforts of this agency. Yet, this is the one that we all know as an effective agency. This is the one that my colleague chooses to try to eliminate.

We all know that the Economic Development Administration supports communities that are in economic distress. We all know that modest economic development money can breathe new life into the communities that are facing financial hardship.

In the years, only a little more than six, that I have served in this Congress, EDA has funded regional economic planning for small communities to maximize their job creation and development potentials, EDA has provided capital for small businesses, EDA has helped turn former military bases into centers for new business, and EDA has funded utilities and road construction to create industrial parks in some of the poorest communities in my district, communities like Gardner and Fitchburg and Pittsfield, MA.

But EDA also provides emergency funds for communities in crisis situations. The town of Colrain, MA, was headed for an economic disaster here recently when its largest employer decided to close down, that it was going to simply close, thereby causing a ripple effect on the town's second largest employer, which was located on the same industrial site.

The two companies shared electric power, waste water, and fire safety infrastructures. Faced with the need to

make huge capital investments to remain alone on site, the second company was about to move its manufacturing elsewhere as well.

With my support, Colrain turned to EDA for emergency funding. And together with private, State, and local funding, and in this case no one of these could have done it alone, but they did it, they turned to the EDA for the emergency funds to finance the infrastructure improvement needed to retain a critical business and allow that business to grow. EDA answered Colrain's call for help. Colrain's application is moving through its final phases, and the serious job loss has been averted in my district.

Let me stress again that in the Colrain, MA, case EDA funding is only part of a larger package of State and local and private funding. No one of those entities would have been able to go it alone. But EDA's, in this case, modest Federal half-a-million-dollar commitment had a major impact in securing and leveraging, as other people have already said, the other funding sources and the private monies that have to go into such economic development.

□ 2000

Mr. Chairman, I urge all of my colleagues to preserve the EDA funding and to reject the Hefley amendment.

Mr. GOSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Colorado [Mr. HEFLEY]. I think it is a responsible amendment and long overdue. I refer to this as the Stop the Creep amendment. That is not an ad hominem remark. That refers to the fact that in 1995, this body voted to do away with this organization, and at that time the level of support was at about $350 million. I would point out to my colleagues, particularly those on my right, that we are now talking about an appropriation of $453 million, an increase of 29.4 percent that most of the fiscal conservatives in this body voted to do something about just 3 short years ago.

Mr. Chairman, 2 years ago a new majority was elected with a mandate to change the way Washington works. Instead of running up the tab on our kids, we pledged to make tough choices and prioritize our limited resources, and everybody cheered. This ambitious agenda was articulated in the House budget resolution which returned power to the taxpayer and eliminated wasteful departments. One of those that was pegged for elimination under the programs and agencies that were considered was the Great Society relic called the Economic Development Administration.

So what has happened? While the EDA has failed very badly in its core mission of providing aid to distressed communities, its success in bringing home the bacon is unmatched, and we all know it. Of grants made in 1994, for example, the 17 States represented by the members of the relevant Senate and House subcommittees received $1.10 per capita compared to 68 cents for the rest of the Nation. Rational observers, I am told, are concluding that grants are being made based on political considerations, not true need.

EDA proponents will serve up any number of creative defenses for this program, and I admit there have been some spots of success in it, but they are very few. But the supporters also ignore the fact, and here is a fact, the GAO was unable to find any study, any study, that established a causal linkage between EDA assistance and a positive economic effect in a community, the reason we have this program. It is not working.

Fact: Nearly 90 percent of the Nation has been found eligible for EDA grants in the past, despite the fact the money is supposed to go to certifiably distressed communities. Is everything in America a distressed community?

Fact: Proponents will argue that the EDA has been reformed, yet the agency has not been reauthorized since 1980. Translation: There has been no real reform. Despite years of promises that there would be some real house cleaning, it has not happened.

Mr. Chairman, the Hefley amendment does not end the EDA. It does not end the EDA, however deserved that might be. It simply makes a responsible cut down to the Senate level. I want to repeat, this amendment does not end the EDA. It reduces it to the Senate level. It ends the cost creep.

Last year the House-passed bill contained $348 million for EDA, yet somehow it emerged from conference almost $100 million heavier; $426 million, to be exact, of taxpayers' money. A glance at the numbers reveals that we have increased EDA funding by 29 percent since 1995, the year that we pledged to end it altogether. What happened? Mr. Chairman, the present House bill not only exceeds the Senate level, but it is even higher than the President's budget request.

I urge my colleagues to support this sensible reduction in the funds for the EDA back to the Senate level of $250 million, a quarter of a billion dollars, which is a $90 million savings for the taxpayer for a program that we do not think is working very well, and our agency, the GAO, has not been able to find a positive benefit from it. I think it is a reasonable amendment. I ask Members to consider it sincerely.

Mr. HEFLEY. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Colorado.

Mr. HEFLEY. Mr. Chairman, one of our speakers earlier talked about all of that matching money that came back. In September of 1994, a nonprofit corporation in Alabama was awarded a $750,000 grant to create a revolving loan fund, and the community matching funds were to be $1 million, and the $1 million never showed up. The Inspector General investigated the nonprofit and found that they had not been meeting the matching fund requirement since 1986. So when we hear of all these matching funds, in theory that works, but in practice I could give my colleagues example after example after example where it simply has not worked.

The theory behind EDA, which is what most of the speakers are talking about, is good. The practice is, it does not work.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the gentleman's amendment. I do want to congratulate and commend the chairman of the subcommittee for the splendid job that he has done. The gentleman from Kentucky has led this subcommittee very ably, and has made the case, I think, very persuasively, and has worked with our authorizing committee, as the gentleman from Pennsylvania [Mr. SHUSTER] indicated earlier, to sort out some of the problems, narrow the focus, target this program more effectively and more efficiently, reduce its staffing level, and I take issue with some of the numbers cited just a moment ago.

The fiscal 1997 funding level for EDA, for this year, is $427 million. The subcommittee has cut $65 million out of that level. That is not a cut in the growth. That is a cut from this year's level. That is a cut in the real program down to $361 million. The vote that my good friend from Florida referenced about eliminating EDA was not a vote on eliminating EDA. That was a vote on eliminating the Department of Commerce. It was part of the Republican reconciliation bill. EDA is included in the Department of Commerce. It is a stretch to say that we voted on eliminating EDA.

Those who would say that, oh, 90 percent of the country is eligible for EDA funds, that is not true. Ninety-three percent of EDA funds go to the eligible areas, only those areas that qualify with a 1 percentage point level of unemployment above the national average.

EDA has been an extraordinarily effective program for the small communities of America and even for larger cities. I have been watching this for 25 years. The opponents of EDA come up here representing comfortable areas of this country and tell the poor areas of America, ''You do not need this help. You do not need this lift up.'' Well, every dollar of EDA leverages $10 of private investment money. The gentleman from Pennsylvania [Mr. SHUSTER] cited the study that showed that there is a minimal cost of $3,000 of EDA investment per job.

You want success stories? We have got them. During the time that I was privileged to chair the economic development subcommittee, we held hearings, we brought in all those who were

critics, we brought in those who benefited from the program. A Georgia development district received $3.1 million in EDA funds, matched by $3.1 million in non-Federal local private funds. That generated $142 million in private investment, creating 2,238 private sector jobs. EDA cost per job, $1,000.

Fort Holabird Industrial Park. Fort Holabird was shut down by the military. Baltimore was in distress. EDA granted a title 9 emergency grant to help rehabilitate that community, $11.3 million. The city matched it with $11 million. There was private investment of $42 million, 1,000 new jobs. GM came in, made an investment in the community. They put in $258 million with the funds that EDA provided to stimulate water, sewer, road access to this park facility. 4,000 jobs were protected and retained.

There is story after story of success. I do not want to belabor the body. I just want to quote from one of the witnesses when our committee went into Kentucky, southern Virginia, and West Virginia, a wise witness stood up and said, ''We are proud, conservative mountain people. We don't ask for anything that we don't give of ourselves. But you can't turn around 50 and 100 years of decay and decline in 1 or 2 years of water and sewer grants. Give us a hand. Give us the opportunity. We have the energy. We have the youth that wants a future. We are proud mountain people. Give us the opportunity.'' EDA gives them that opportunity. I ask my colleagues, defeat this amendment. Give rural America an opportunity.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise tonight to vehemently oppose this amendment. I come from rural Pennsylvania, a rural part of Pennsylvania that has been struggling economically. We look at EDA as the doctor who can give us a transfusion to help us maintain economic life.

It has been interesting to listen to those who talk about this as pork, as waste. Let me tell my colleagues what happens in a small town in America when you lose the only factory, when you lose the only major employer. And I wish some of those that are proposing this amendment looked into the eyes of the people in the glass plant in Marienville when they knew their job of the last 50 years was gone forever and there were no other job opportunities within 40 miles. I will never forget the look on those people's faces, and I sure do not want to tell them that there is not an Economic Development Administration to help them.

In State government, we had a lot of economic development plans. I was often critical that a lot of that money went to very affluent areas, went to areas that were fighting growth, who were growing faster than they wanted to. But EDA targets its resources. It targets it to our communities that are the most in need, communities that have lost their major employers.

Tell the community in Jefferson County that their industrial park, the 70 new jobs, was not worthwhile. Tell the people in Centre County who purchased a rail line that would have taken rail service away from employers and has since created 1,000 jobs. Tell the community in Tioga County in Pennsylvania that repurchased a Conrail line that was going to remove 450 jobs from their community because they could not function without rail service.

I am here today to tell Members that this is a program that if we do away with in these small rural towns, where are those people going to go? The unemployment lines, the welfare rolls. It is going to cost us a whole lot more money than this measly $340 million that helps distressed communities all across this country.

Tell this to a community that lost a USX plant, a Quaker State headquarters, a Worthington Pump plant, a Van Huffel Tube plant, a Foster Forbes Glass plant, a Graham Packaging plant that we do not care. Tell them that, that we are not going to help them pull themselves up by their bootstraps.

If we want to look for economic development funds, why do we not look at the International Development Association that does economic development around the world? If we give them a 26 percent cut, we could save $160 million. The USAID, Agency for International Development, if we gave them a 26 percent cut, we could save $130 million. Aid to the former Soviet Union for economic development, if we give them a 26 percent cut, we could save $160 million.

Mr. Chairman, this is a small program that targets its resources well to the poorest communities in America. I urge Members tonight to defeat this amendment and put it to bed forever, and let us work with a program that helps the poorest communities pull up their bootstraps.

□ 2015

Mr. WISE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to this amendment to cut 25 percent out of the Economic Development Administration budget. Some have spoken about projects that they question. Well, let me give my colleagues some success stories, and I think that is very, very important.

Let me talk to my colleagues about in the eastern panhandle of West Virginia, just an hour and 15 minutes drive from here, where a $2 million EDA grant is helping to generate hundreds of jobs at the new Sino-Swearingen Aircraft facility. I calculated that for every Federal dollar going in between the EDA and ARC, which incidentally got $4.5 million leverage, $133 million, that it would be repaid to the Federal taxpayer in workers paying income taxes in about 3 years. One real estate developer said, ''That's one of the best investments you can get.''

So whether we are talking about the Sino-Swearingen plant in eastern West Virginia, whether we are looking at the jobs that are being generated at the Wood Technology Center at Elkins, WV, because of a EDA grant and the opportunities in the wood industry that it is making there, or whether we are talking about Jackson County, WV, where an EDA grant is helping create an estimated 350 jobs for the Jackson County Maritime and Industrial Center by constructing necessary water and sewer systems, EDA gets a return for the taxpayer.

Also, those of us who have been from flood-torn areas know the importance of EDA as it has come to our rescue in rebuilding communities and providing flood assistance grants throughout much of West Virginia, but, yes, throughout much of our country.

Let me just note that an independent study recently at Rutgers University evaluated EDA's public works program and found that EDA completed its projects on time, on budget, created and retained jobs at the minimum cost of a little over $3,000 of EDA investment per job, and leveraged $10 of private investment for every $1 invested, and every EDA dollar results in $10 returned to communities through an increased local tax base. That is a good return on the taxpayers' dollar; that is a solid reason to reject this amendment to cut the Economic Development Administration.

Ms. BROWN of Florida. Mr. Chairman, will the gentleman yield?

Mr. WISE. I yield to the gentlewoman from Florida.

Ms. BROWN of Florida. Yes, Mr. Chairman, I have a question as former chairman of EDA. I come from Florida, a community that has 2 bases to close, and I want to be clear what is EDA's responsibility as far as these base closures because, as we think about Florida, I want to be clear that my area of Florida supports the EDA grants and the mayor, the city council, the county commission, the State of Florida is working in partnership for these grants. Could the gentleman explain?

Mr. WISE. The gentlewoman makes a good point that the Economic Development Administration is a linchpin in the base closing legislation that this Congress is passed and is often the lead agency, the one that communities contact first to assist as they plan how to deal with this economic loss and how to gain from it. And so that is why this Congress has put additional funds into the EDA from time to time, to assist in base closing legislation such as what the gentlewoman is experiencing in Florida.

Mr. Chairman, I would urge the House strongly to reject this amendment; to recognize that the EDA has a vital function to perform for all our country and is performing it well.

Mr. HOSTETLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of the amendment offered by the gentleman from Colorado [Mr. HEFLEY] to decrease funding, decrease funding for the Economic Development Administration. The Economic Development Administration, known as EDA, which is part of the Department of Commerce, was created in 1965 to assist in the development of depressed areas and encourage increased employment through loans and grants to State and local communities. While this objective may appear to be quite exemplary, in reality the EDA has at times funded many projects that have nothing to do with jobs or economic development for depressed areas.

As we struggle to balance the budget it is critical to target programs that waste millions of precious Federal dollars every year. We simply cannot afford to continue funding this program at such high levels. Therefore, I am supporting this amendment to fund the EDA at the Senate level, which is approximately $90 million less than the House Committee on Appropriations passed level.

There are any number of examples of Federal spending for reasonable projects within EDA. We have all heard the stories of taxpayer dollars being wasted on the $800,000 spent on a golf course that washed away, or the $5 million that was awarded in 1976 to an economic development district that built a cash reserve of almost $2 million and wasted and misused over a million dollars. Must I remind us of the $850,000 that was awarded in 1987 to help fund a $1 million, 3-year industrial park expansion? Eight years later that project was barely started but $670,000 of the money, of the taxpayers' money, had been spent.

I do want to take a moment to elaborate on the concerns I have over a statistic that was sent to my office in a fax that was urging opposition to this amendment. According to a May 1997 Rutgers University study of the EDA public works program, EDA programs are successful at creating jobs at a cost to taxpayers of only $3,058. I say ''only'' only because the information I received used the word ''only.'' I am deeply concerned about any Federal program whose supporters would claim success over the fact that taxpayers are only paying over $3,000 for the creation of one job. I am even more deeply concerned that we in Congress would view a government program as successful if it creates jobs and that these jobs only cost taxpayers $3,000. Taxpayers in my district and around the country work very hard to make ends meet, and I am sure they too would be concerned if they were to find out about this so-called successful program.

Resources are very limited, and it is time we evaluate a little more critically the success of many Federal programs. I would contend that cutting Federal spending and cutting taxes on all American taxpayers will prove to be much more successful at creating jobs, and not at a cost of over $3,000. We are simply not in a financial position to fund many of these programs, and every effort we make to curb wasteful spending is a positive step toward balancing the Federal budget.

It is obvious the EDA has failed at its intended mission. Due to the budgetary constraints and the lack of a justifiable Federal role in these programs, it makes good sense to at least fund this program at the same level passed by the Senate earlier this year. The EDA has proven itself to be a failure at meeting its objective. This program has become a multimillion dollar drain on scarce and valuable Federal resources.

Mr. Chairman, I ask for my colleagues' votes to strike $90 million of EDA funding in the fiscal 1998 Commerce-State-Justice appropriations bill.

Mr. Chairman, I yield the balance of my time to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, unfortunately we are not as critical of this program as we would be of some of the others to see if it is really working well because it is too good for our reelection efforts. We live in a culture where we are judged by how much we are able to take back home.

The Department of Commerce Inspector General issued a semiannual report earlier this year and could not even express a opinion on the financial position of EDA because it has too many inadequacies in its internal control structure. The I.G. also identified many specific examples of grants that either should not have been made or that just did not work the way they were supposed to, just did not work.

So, yes, I do not have any illusions that this amendment is probably going to pass tonight; sometime it will, I think, but maybe not tonight because it is too good a bottomless pit for us to take money out of and take back home, whether it works or not.

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just like the Congress to understand the scenario which they are seeing here. In Florida we call it a snooker, and that is what it is, a monumental snooker, Mr. Chairman. What you hear here should be added to the new nomenclature of the language of the Congress, snooker, and what it means is people are substituting things for the real facts because of the emotionalism which we see tied into this reduction.

Now first of all, this same group that we see here tonight, we have already cut EDA by 15 percent. So they are saying to my colleagues that the 15 percent which they have already cut EDA by is not enough. So use a little deductive reasoning, and what they are saying is let us cut out EDA. The same people we see talking about EDA this year were up last year with this same amendment.

So now look, look back into the history. I always look at the names of people associated to an amendment; that is a good thing to do in this Congress. Then I begin to do what is called reciprocal innovation, and that means to be able to exchange some of the stuff that they are talking about and let them know that it is not true.

First of all, why cut it any more? There are no earmarks in this, none at all. EDA does not have any earmarks in this bill. But it selects these economic development projects that help the most distressed communities, the most distressed communities, not in anyone of our means but because people have to really apply to EDA for these improved at their distress, and it offers them some success in creating jobs.

Now another part of this snooker is this new welfare reform syndrome. My colleagues want to reform welfare. Well, I will tell them something. It is so simple: Got to create some jobs. It is so simple some of us do not understand it. My colleagues think it is going to happen overnight because they come to this floor and make some of these snookering statements. And the audacity of it, everybody should be able to see through it.

What they need to say to my colleagues is, You're going to cut out the source of building these communities, putting some economic development into these communities and developing jobs.

Now the House Committee on Transportation and Infrastructure has tried very hard, Mr. Chairman. They know about some of these abuses. They have worked it in such a way they are going to approve the EDA reauthorization, and it reforms these programs where they need reformation. But they are not going to bring in a snooker to try to get this Congress to cut $90 million from these funds.

So then think about what would have happened to us in Miami if it were not for EDA. Eastern Airlines went out, 300 people without a job, more than that when we look at the long term effects of it. Opa-Locka went down, a small city there; the city of Miami is almost to go down if it were not for the economic development. This is a federalism which we need. There is federalism which we do not need, but we do need that. Homestead, a small farming community in my district, if it were not for EDA, what would have happened to Homestead?

We have heard a litany of snookers here tonight. That litany would have us think a city like Homestead in my district that was wiped out by the hurricane, if it were not for EDA coming into that city, trying to help build new businesses, trying to help build new infrastructure, trying to help us come back, those people are still deprived, they are have not come back yet. If it

were not for EDA, we could not have gotten the help we needed. St. Petersburg, FL; I could go on and on, Mr. Chairman.

But what I want to make clear to this Congress is that they just witnessed a monumental snooker, someone not in favor of the EDA trying very hard to cut it out. Let us stop them, let us oppose this amendment and kill it, Black Flag dead. Let us kill it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentlewoman yield?

Mrs. MEEK of Florida. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Just very quickly to the gentlewoman from Florida: She is standing for Florida, I have heard people from the Midwest, I have heard the ranking member, I have heard the chairman of the Committee on Transportation and Infrastructure. It is a terrible shame in this budget cutting, welfare slashing, that when we talk about real jobs like the jobs being created in Houston with the renewal of Hargus College, making that a small business incubator successfully with city and EDA funds, that we would want to cut and slash and burn and not create jobs for Americans. We want to create them everywhere else, but we do not want to create them for America. I thank the gentlewoman for yielding to me, and I appreciate what has happened in Florida, but it is happening all over America, and we should oppose vigorously this amendment.

Mrs. MEEK of Florida. Mr. Chairman, I thank the gentlewoman from Texas very much, and I am glad she is helping to deflate that monumental snooker.

□ 2030

Mr. BOEHLERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the author of this amendment has acknowledged that every year he comes to the floor and proposes a near identical amendment. When is he going to get the message?

Every year this House has increasing support for the Economic Development Administration. Every single year the opposition is on the decline. Why is that?

One of my colleagues, a previous speaker, said the American people send us here to make tough choices. Indeed they do. But they do not want us to make dumb choices.

I will tell you what the Economic Development Administration is all about. It is about my favorite four-letter word, and you can use it in polite company. That favorite four-letter word is ''jobs,'' jobs that put Americans to work.

Now, if you want to tell me that EDA does not work, I will take you to community after community around this country that has been devastated by the loss of a military installation. We are told that is a peace dividend, that we do not need as many military bases, and I can understand that.

But what about those communities that one day face the loss of thousands of jobs? Where do they turn to? They look to Washington, and, fortunately, we have the Economic Development Administration to help these communities try to help themselves.

What about those communities all across the country that are victims of cruel tricks played by mother nature, devastated by natural disasters? They look to us, those of us in positions of responsibilities, and say help. Thank God we have the Economic Development Administration to help.

How about those factories closing? Where do those communities go? Someone earlier said, ''You know, it is $3,000 a job.'' Guess what? I will take you to community after community across this country that would gladly accept jobs if it only cost $3,000. It costs so much more. As a matter of fact, the rule of thumb for EDA is about $10,000 a job. And, guess what? The communities that desperately need them do not even have five cents, let alone $10,000. They lost their tax base. They have lost their employment opportunities.

EDA is about hope. Now, I was here as a young staff member sitting in that gallery in August of 1965 when the Public Works and Economic Development Act was first passed. I remember that vividly, Republicans and Democrats joining to create an agency that offered some hope for distressed communities across this country, and through those years, those 32 years, the agency has had its ups and downs.

But life has changed for me. Now I serve on the committee that has jurisdiction over the authorization of this program, and I have sat there as witness after witness has come forward, some telling us of the changes needed, and those changes have been made; some telling us that they have ideas for improvement, and improvements have been made. But, one after another, from communities all across this country, we have had local government officials come and say, ''Thank you for the Economic Development Administration. Please continue this important program, because where opportunity has been lost, hope has been provided.''

This measure will pass overwhelmingly to continue the Economic Development Administration. It did the year before, and the year before that, and the year before that. This is a good agency. It is not perfect. I have never seen a perfect agency and unlikely never will.

But the fact of the matter is basically this: In an economy that is beginning to move in the right direction, in an economy where more and more we are telling people from all walks of life that you have expanded opportunity, greater hope, there are still areas of distress. Those areas need assistance. And when that assistance is possible in the form of a loan or a grant from the Economic Development Administration, and we are part of the organization that makes that agency possible, I think it is a day's work well done.

I would say overwhelmingly, Mr. Chairman, reject this amendment. Support the continued funding of the Economic Development Administration for all the right reasons, but, most importantly, for jobs for America.

Mr. TRAFICANT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think there are a lot of people that are smoking on this. I am the ranking member of that subcommittee, and there are very few Members in the House I have more respect for than the gentleman who has brought this amendment.

I want to say this to the gentleman: There is much merit to what you are saying, and if there are not some basic reforms I will vote with you next year.

But there is a new administrator over there, Mr. Phillip Singerman, and he has done a fine job. I want the Congress to know this.

In addition to that, we are beginning to move EDA from a giveaway program to a leveraged program. I have offered legislation, part of which has been included, and I would like the gentleman from Colorado to recognize what that legislation does.

My legislation provides a fund of money that can only be used to buy down interest rates when a bank makes a loan. I think the problem we have had around here in economic development is we have thrown money at communities. Much of it has been easy money, and people with ideas come in without their own sweat and blood and have gotten money from Uncle Sam and ripped us off. I think our intentions were well meaning, but they were not successful.

My language says, look, we use some of the EDA money, but we will only give that money as an incentive once a bank qualifies a legitimate project. Then we will use it to buy down those interest rates.

We are making some basic reforms in the economic development program, and some of the shortcomings are being overcome. I took the floor to let the gentleman know that, because I believe that in the past the gentleman has been on target. This is an agency that has not lived up to the types of deeds and tasks it should have.

Mr. Chairman, I think Mr. Singerman has done a good job and I think he deserves that chance, and I think we deserve the chance as the authorizing committee to refashion and to reform EDA, to make it more of a leveraging agency rather than a giveaway agency.

I want to let the gentleman know we are doing that. I know the gentleman is going to go on with his program, and I respect that. I believe the gentleman, through his amendments, has kept EDA's feet to the fire, and we are making the improvements because of his efforts.

I do not want to demean the gentleman's efforts. In fact, I appreciate his

efforts, and when we get a chance after this is all over, I would like to sit down with the gentleman and even like to incorporate some of the ideas and concerns he has.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have listened intently to the discussion and the debate. I rise in opposition to this amendment, and I do so because I have lived in severely distressed neighborhoods for the last 40 years.

The community where I live in Chicago, the area where my office is located, is something called the North Lawndale community, which has been called the ''permanent underclass'' by sociologists and urbanologists. It has been called ''the place where there is no hope.'' And yet, because of an EDA grant, that community does in fact have hope.

My community has lost more than 100,000 manufacturing jobs over a 30-year period, Allied Radio, GE, Hot Point, Motorola, International Harvester, Sunbeam, you name them, Western Electric. They were once there, but now they are all gone.

As a result of that grant, my neighbors and I have an opportunity to go to a bank that would not have been there had it not been for an EDA grant. We have an opportunity to go to stores that would not have been there had not it been for an EDA grant. There are small manufacturing concerns that have begun to come back that would not have been there had not it been for the EDA grant.

So I tell you, if we are talking about rebuilding, redeveloping, reconstituting urban America, then we are not talking about taking one dime, one scintilla, one ion from this agency. If anything, we are talking about trying to find additional ways to put the needed resources of this country where they should go, to rural America, to urban America, to places that have made this country what it is and is redeveloping.

Mr. Chairman, I would urge all of my colleagues, let us not cut; let us increase. Let us give hope to the hopeless. Let us bring help to the helpless. Let us make America the land that it has never been, but yet ought to be. Let us make America the America that it has the potential of being.

Mr. RAHALL. Mr. Chairman, I rise in strong opposition to the amendment to H.R. 2267, the Commerce, Justice, State fiscal year 1998 Appropriations bill that is being offered by our friend Mr. HEFLEY of Colorad—an amendment that would cut $90 million from the Economic Development Administration—the EDA.

Mr. HEFLEY says he wants only to cut $90 million from EDA—down to $271 million—so that our bill will match the funding level in the Senate-passed bill.

There is no magic, and no common sense either, in the Senate numbers.

Last year, my colleagues, you joined 328 of your colleagues—Democrats and Republicans alike—for continued funding of the EDA.

I urge you to vote again to stop the push to gut the Economic Development Administration and its program funds that assist so many States and localities nationwide, but particularly in those areas suffering the most economic stress.

H.R. 2267 already cuts the EDA by 15 percent below the fiscal year 1997 level. There are no earmarks—these economic development projects are selected by the EDA on the basis of sending help to the most distressed communities in our Nation—helping people by creating jobs.

I know that each of you are aware of the assistance EDA provides to your own district's distressed communities, whether they are urban or rural.

This is vital seed money for local governments—for every $1 spent in EDA funds, local governments leverage another $10 from other sources, to help pay for these vital economic development programs.

These local governments are hard pressed to respond to the needs of former welfare recipients as they are faced with finding ways in which to provide necessary jobs—gainful employment—for those families.

A vote against the Hefley amendment to cut $90 million from the Economic Development Administration is a vote in favor of new jobs, for families in need, for communities suffering from the effects of natural disasters such as hurricanes, earthquakes and spring floods.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ROGERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 107, noes 305, not voting 21, as follows:

[Roll No. 455]

AYES—107

Archer	Fox	Nussle
Armey	Gekas	Oxley
Bachus	Goodlatte	Paul
Barr	Goodling	Paxon
Barrett (NE)	Goss	Petri
Bartlett	Granger	Pitts
Barton	Greenwood	Porter
Bereuter	Gutknecht	Pryce (OH)
Bilbray	Hastert	Ramstad
Bilirakis	Hastings (WA)	Riggs
Bliley	Hayworth	Rohrabacher
Blunt	Hefley	Roukema
Boehner	Hobson	Royce
Bono	Hoekstra	Ryun
Brady	Hostettler	Sanford
Burton	Hunter	Schaefer, Dan
Cannon	Hyde	Schaffer, Bob
Chabot	Inglis	Sensenbrenner
Christensen	Istook	Sessions
Coble	Johnson, Sam	Shadegg
Coburn	Kasich	Smith (MI)
Condit	Klug	Snowbarger
Cox	Kolbe	Souder
Crane	Largent	Stearns
Cunningham	Leach	Stump
Deal	Linder	Sununu
DeLay	Manzullo	Talent
Doolittle	McCollum	Thomas
Dreier	McInnis	Thornberry
Dunn	McIntosh	Thune
Ehlers	Mica	Tiahrt
Ehrlich	Miller (FL)	Watts (OK)
Ensign	Myrick	Weldon (FL)
Fawell	Nethercutt	Weldon (PA)
Foley	Neumann	White
Fowler	Norwood	

NOES—305

Abercrombie	Gejdenson	Moakley
Ackerman	Gephardt	Mollohan
Aderholt	Gilchrest	Moran (KS)
Allen	Gillmor	Moran (VA)
Andrews	Gilman	Morella
Baesler	Goode	Murtha
Baker	Gordon	Nadler
Baldacci	Graham	Neal
Barcia	Green	Ney
Barrett (WI)	Gutierrez	Northup
Bass	Hall (OH)	Oberstar
Bateman	Hall (TX)	Obey
Becerra	Hamilton	Olver
Bentsen	Harman	Ortiz
Berman	Hefner	Owens
Berry	Herger	Packard
Bishop	Hill	Pallone
Blagojevich	Hilleary	Pappas
Blumenauer	Hilliard	Parker
Boehlert	Hinchey	Pascrell
Bonior	Hinojosa	Pastor
Borski	Holden	Payne
Boswell	Hooley	Pease
Boucher	Horn	Pelosi
Boyd	Houghton	Peterson (MN)
Brown (CA)	Hoyer	Peterson (PA)
Brown (FL)	Hulshof	Pickering
Brown (OH)	Hutchinson	Pickett
Bryant	Jackson (IL)	Pombo
Bunning	Jackson-Lee (TX)	Pomeroy
Burr	Jefferson	Portman
Buyer	Jenkins	Poshard
Callahan	John	Price (NC)
Calvert	Johnson (CT)	Rahall
Camp	Johnson (WI)	Rangel
Campbell	Johnson, E. B.	Redmond
Canady	Jones	Regula
Capps	Kanjorski	Reyes
Cardin	Kaptur	Riley
Carson	Kelly	Rivers
Castle	Kennedy (MA)	Rodriguez
Chambliss	Kennedy (RI)	Roemer
Chenoweth	Kennelly	Rogers
Clay	Kildee	Ros-Lehtinen
Clayton	Kilpatrick	Rothman
Clement	Kim	Roybal-Allard
Clyburn	Kind (WI)	Rush
Combest	King (NY)	Sabo
Conyers	Kingston	Sanchez
Cook	Kleczka	Sanders
Cooksey	Klink	Sandlin
Costello	Knollenberg	Sawyer
Coyne	Kucinich	Saxton
Cramer	LaFalce	Schumer
Crapo	LaHood	Scott
Cubin	Lampson	Serrano
Cummings	Lantos	Shaw
Danner	Latham	Shays
Davis (FL)	LaTourette	Sherman
Davis (IL)	Levin	Shimkus
Davis (VA)	Lewis (CA)	Shuster
DeFazio	Lewis (GA)	Sisisky
DeGette	Lewis (KY)	Skaggs
Delahunt	Lipinski	Skeen
DeLauro	Livingston	Skelton
Dellums	LoBiondo	Slaughter
Deutsch	Lofgren	Smith (NJ)
Diaz-Balart	Lowey	Smith (OR)
Dickey	Lucas	Smith (TX)
Dicks	Luther	Smith, Adam
Dingell	Maloney (CT)	Smith, Linda
Dixon	Maloney (NY)	Snyder
Doggett	Manton	Spence
Dooley	Markey	Spratt
Doyle	Martinez	Stabenow
Duncan	Mascara	Stark
Edwards	Matsui	Stenholm
Emerson	McCarthy (MO)	Stokes
Engel	McCarthy (NY)	Strickland
English	McDade	Stupak
Eshoo	McDermott	Tanner
Etheridge	McGovern	Tauscher
Evans	McHale	Tauzin
Everett	McHugh	Taylor (MS)
Ewing	McIntyre	Thompson
Farr	McKeon	Thurman
Fattah	McKinney	Tierney
Fazio	McNulty	Torres
Filner	Meehan	Towns
Forbes	Meek	Traficant
Ford	Menendez	Turner
Frank (MA)	Metcalf	Upton
Franks (NJ)	Millender-McDonald	Velazquez
Frelinghuysen	Miller (CA)	Vento
Frost	Minge	Visclosky
Furse	Mink	Walsh
Gallegly	Moran (VA)	Wamp
Ganske	Morella	Waters

Watkins	Weygand	Woolsey
Watt (NC)	Whitfield	Wynn
Waxman	Wicker	Young (FL)
Weller	Wise	
Wexler	Wolf	

NOT VOTING—21

Ballenger	Hansen	Salmon
Bonilla	Hastings (FL)	Scarborough
Collins	Lazio	Schiff
Flake	McCrery	Solomon
Foglietta	Quinn	Taylor (NC)
Gibbons	Radanovich	Yates
Gonzalez	Rogan	Young (AK)

☐ 2111

Mr. THOMPSON, Mrs. SMITH of Washington, Mrs. CUBIN, and Messrs. GUTIERREZ, COYNE, and CRAPO, Mrs. CHENOWETH, and Mr. SMITH of Texas changed their vote from ''aye'' to ''no.''

Mr. LINDER and Mr. FOX of Pennsylvania changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

(Mr. ROGERS asked and was given permission to speak out of order for 1 minute.)

LEGISLATIVE SCHEDULE

Mr. ROGERS. Mr. Chairman, for the purpose of informing Members about the rest of the evening and the schedule that might take place, there have been numerous discussions taking place. We think we have an agreement worked out. It is being prepared now for us to peruse in due course of time. If the agreement is approved by both sides of the aisle, then there would be no further votes this evening in the body. The votes would be rolled until tomorrow.

☐ 2115

However, it is still being pursued. I suggest that we proceed with one more amendment and ask Members to hang tight for a possible vote on that amendment while the agreement is being pursued, and we think that we will be successful.

With that in mind, Mr. Chairman, I ask unanimous consent that the gentleman from Indiana [Mr. HOSTETTLER] be permitted to offer the amendment No. 12, notwithstanding that portion of the bill is not yet considered as read, with the understanding that during the process of that debate, the larger agreement will be pursued.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

AMENDMENT NO. 12 OFFERED BY MR. HOSTETTLER

Mr. HOSTETTLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. HOSTETTLER:

Page 49, line 9, insert ''(reduced by $175,100,000)'' after ''$185,100,000)''

Page 49, line 10, insert ''(reduced by $74,100,000)'' after ''$74,100,000''

Page 49, line 12, insert ''(reduced by $500,000)'' after ''$500,000''.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes and that the time be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. HOSTETTLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in all this talk about a balanced budget agreement about how Democrats and Republicans, the President and Congress want to cut wasteful Government spending to reach a balanced budget, I would like to talk about one of those costly and troubled Government programs that was not protected in the budget agreement and should have been eliminated.

The Advanced Technology Program, ATP, gives direct subsidies to private corporations to support their research and development budgets. These cash handouts usually go to the Fortune 500 companies such as IBM, AT&T, GM and the like, which already have billion-dollar R&D budgets and billions in annual revenues.

Not only did the budget agreement reject the President's proposal to protect ATP funding, the Commerce Department recently issued a report chock full of planned structural changes. But the administration's plan falls far short of addressing the real problems with ATP, which are too fundamental to be fixed by minor adjustments.

The fundamental problem is what many Members of Congress and even ATP grantees already know, ATP does not have the ability to effectively promote its goals of advancing high-risk technology research and promoting U.S. competitiveness.

Technology development in most industries simply changes too quickly to depend on slow-moving congressional budgets. In short, ATP is corporate welfare. Given our budget constraints, we cannot afford it. And after watching the program for seven years, ATP does more harm than good.

If we dare venture to read the Constitution, we find that the program is unconstitutional. Mr. Chairman, we must eliminate funding for ATP.

Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, last night we had a similar debate on the ATP program. During that debate, those who spoke in opposition to the ATP cuts amendment refuted most of the points made by the gentleman from Indiana [Mr. Hostettler], who is offering this amendment.

Let me simply say, and a lot of it is in repetition, that the ATP program is not a partisan program. It was initiated under the Bush administration, and it has continued as a centerpiece of President Clinton's competitiveness program to this day.

One can have a philosophical difference and take the position that ATP, the Advanced Technology Program, is corporate welfare, whatever that means. In fact, it is the core of the country's competitiveness program as we move into an era of increasingly internationalization of our economy and in real competition with particularly the developed nations around the world.

These countries recognize the importance of collaborative relationships between their country, between the academic community, and between private industry in order to be strategic in developing not product but developing pre-commercial research and development discoveries that lead to advancements that allow industry to pick up and be on the cutting edge. We are into a high technology era, and these strategic relationships are recognized as being instrumental in making us competitive.

Such countries as Japan, England, Germany and Australia are investing heavily in these kind of initiatives, far more heavily than the United States. For example, Japan is spending about $9 billion a year on pre-competitive technology development. And the European Community recognizes the importance of these kind of strategic relationships. It is funding their equivalent to the Advanced Technology Program to the tune of $5.5 billion a year. ATP funds pre-competitive generic technology development. It does not fund product development.

Mr. Chairman, simply, we have a philosophical difference of how the country should relate to industry and what role is appropriate for the Government to play in commerce. I draw the line at the Government not helping getting product into the marketplace. No, that is the private sector's responsibility.

But when increasingly high technology is important to economic competitiveness, this pre-competitive, the Government incentivizing companies in these partner relationships to get involved in areas that have a future that we are in direct competition with is extremely important.

Mr. Chairman, I reserve the balance of my time.

Mr. HOSTETTLER. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. Royce].

Mr. ROYCE. Mr. Chairman, the private sector and deregulation are the principal engine of this country's $8 trillion economy. It is not Government handouts. Government cannot claim credit for the personal computer phenomenon, cannot claim credit for the Internet, cannot claim credit for Microsoft or Bill Gates. The way a market system works, as opposed to a corporatist or socialist system, is that if there is a profit entrepreneurs will

risk investing in order to reap the profits.

For example, I share with my colleagues the pharmaceutical products that come to market. On average, it costs $400 million, takes 8 to 10 years to bring them to market. And yet, if there is a profit to be made, entrepreneurs will act with or without government handouts, as they do in these cases, to bring these things to market.

Most of my colleagues here voted for this last year. We passed this out of this House, this very amendment to eliminate this program, and it was passed out of the Senate. It was subsequently curtailed because of other problems.

But, basically, between 1985 and 1986, the Department of Commerce, which oversees ATP and MEP issued $1.23 billion in loans and loan guarantees through various programs. Not even half were paid back. The American taxpayers lost $650 million, and those loans still carried on the books are of questionable value.

For example, the Economic Development Administration at Commerce, which lent $471 million some 20 years ago, has recovered only $60 million and sought congressional approval to sell off some of its bad loans for less than 10 cents on the dollar.

Let us take some examples from Europe and Japan. High-definition TV is one of the clearest failures of the Government's targeted handouts. The Japanese businesses, with subsidies that totaled $1 billion in the late 1980's, sought to help HDTV using existing analog technology. The French did the same. One billion dollars in their government went to that.

Here in the United States, luckily our administration at the time took a pass on investing $1.2 billion in subsidies to compete with these foreign rivals. As a result of being denied massive subsidies, American companies were forced to develop an alternative, and the alternative that AT&T and Zenith developed was a fully digital system that made analog Japanese and European systems obsolete. Before they were ever put into production, they lost $2 billion overseas because they were pushing these subsidies.

We relied on the market, and again it showed that the market works. Many businessmen do not support this corporate welfare. I am going to quote one who appeared before committee, Dr. T.J. Rodgers, president and CEO of Cypress Semiconductor Corp., who told us before the committee that, ''I am here to say that such subsidies will hurt my company and our industry because they represent tax-and-spend economics.''

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan [Ms. STABENOW].

Ms. STABENOW. Mr. Chairman, first I would like to thank the gentlewoman from Maryland [Mrs. MORELLA], the chair of the Committee on Science Subcommittee on Technology, who has worked so long and hard to put together an effective Advance Technology Program that we now have in this budget for continuation of funding for the next year.

I also would like to thank my colleagues who voted overwhelmingly earlier today against an amendment to cut $74 million from the Advanced Technology Program. This is in fact an amendment that would be a larger cut than the one that was overwhelmingly voted against earlier today. Important misperceptions about this program continue to be repeated over and over again.

□ 2130

This is not a program that is about corporate welfare. This is about creating American jobs and creating technologies that will be on the cutting edge, that will allow us to compete with other countries. The majority of dollars in this program go to consortia and partnerships where universities frequently are the ones receiving the dollars to do research in partnership with our businesses, large and small.

Almost 50 percent of the businesses involved in these consortia are small businesses that on their own would not be able to be involved in higher-risk, long-term kinds of research. We are talking about those kinds of research opportunities that research systems in Michigan, we have a wonderful program that has been highly successful to look at how we create a more competitive auto industry, a system. The Big 3 do not normally sit down together and plan and problem-solve about quality issues. But with the leadership of the ATP program and the Federal Government, we have been able to bring them together.

I would urge my colleagues to reaffirm our earlier vote today and again vote no and allow us to continue this important program about jobs.

Mr. HOSTETTLER. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. MILLER].

Mr. MILLER of Florida. Mr. Chairman, I rise today as an opponent of corporate welfare and in support of this amendment to eliminate funding for the Advanced Technology Program. Since I have been in Congress, I have worked diligently to eliminate Federal subsidies to corporations that do not need them. I took on, for example, the sugar daddy of corporate welfare, the sugar program, which because of the way the program operates, it cost the American consumer $1.4 billion, but 42 percent of the benefits of this corporate welfare program go to only 1 percent of the sugar plantations. That is corporate welfare. And so is the Advanced Technology Program.

I have cosponsored several amendments this year to eliminate subsidies, and the ATP program is one of the most egregious examples of corporate welfare we have today. I am glad to be able to continue to support this effort. This program subsidizes big multinational companies. It gives hard-earned taxpayer dollars to companies such as AT&T, Shell Petroleum, Du-Pont and IBM for them to conduct research on risky ventures. If these companies want to engage in risky ventures, they should be required to find private funding.

Supporters of the ATP program claim that it is essential for research and development. Yet in 1993 the GAO estimated research and development spending nationwide to be approximately $150 billion. The ATP program at $185 million represents a mere, if not unnecessary, drop in the bucket.

Private funding for these ventures is available. The GAO report found that from 1990 to 1993, half the applicants who were denied ATP funding found alternative private-sector funding for their research. What is more disturbing is that 63 percent of the ATP applicants did not even bother to seek private funding. They just went straight to the government for funding. After all, why should these firms have to compete if they can just go to the public trough?

Americans should not be forced to spend their hard-earned tax dollars to fund high-risk research projects for some of America's largest corporations. I urge my colleagues to support this amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise to speak against corporate welfare and against this amendment, because ATP, the Advanced Technology Program, is not corporate welfare. The ATP is a competitive, peer-reviewed, cost-shared program with industry. It is really what we are all about, public-private partnerships. And it is working. ATP is designed to develop high-risk, potentially high-payoff technologies that otherwise would not be pursued because of technical risks and other obstacles that discourage private investment.

The House-passed authorization for NIST reforms ATP to further emphasize this point. The authorization bill included language to reform the grant process by requiring that grants can only go to projects that cannot proceed in a timely manner without Federal assistance. This should ensure that all ATP funds go to high-risk projects that could not receive private backing. The bill also increases the match requirements for ATP grant recipients to 60 percent for joint ventures and nonsmall-business single applicants.

Further, terminating ATP would amount to the U.S. Government turning its back on its obligations to small business. The problem is that ATP funds long-term 5-year research grants, and the funding for the remaining years of those 5-year grants is termed a mortgage.

Quite frankly, if we terminate this program, it would amount to our turning our back on our obligations, because the 5-year research grants would mean that we have not fulfilled our obligation, which would be mortgages over $100 million. The early termination would especially hurt small businesses which receive almost 40 percent of ATP grants. Small businesses, unlike their larger counterparts, cannot afford to have the Federal Government suddenly drop out of the technology development partnership.

The appropriations bill cuts ATP by $40 million from last year's appropriated level, and the appropriation in this bill is identical to the authorization level passed by the House this spring. Let us remember what we did today. We refused to reduce the ATP program on a vote of 261–163. Surely we are not going to destroy this program that is working. So support a reasoned reform of ATP and reject this amendment.

The CHAIRMAN. The Chair would remind the Members that the gentleman from Indiana [Mr. HOSTETTLER] has 2½ minutes remaining. The gentleman from West Virginia [Mr. MOLLOHAN] has 1½ minutes remaining and the right to close.

Mr. HOSTETTLER. Mr. Chairman, I yield 2 minutes to the gentleman from New Hampshire [Mr. BASS].

Mr. BASS. I thank the gentleman from Indiana for yielding me this time.

Mr. Chairman, I think it is important that we understand what we are talking about here tonight. What we are talking about having is the taxpayers of this country financing research and development from some of the wealthiest and largest corporations in this country.

We have heard tonight that ATP develops technologies that private sector corporations and venture capital groups will not develop. First, this assertion contradicts the findings of the General Accounting Office study that addressed whether, in the absence of ATP funding, corporations or consortia would carry out the research anyway. According to the GAO survey, nearly half of the near winners continued their projects even though they were not awarded ATP funding. Of the entities granted ATP funds, 42 percent admitted that they would have continued their R&D project without Federal assistance, while 41 percent said they would not have.

We have also heard that without ATP funding, American businesses and start-up companies will not have sufficient capital to conduct R&D into cutting-edge technologies. Mr. Chairman, we have heard many times; in 1996 the venture capital industry in this country pumped more than $10 billion into new ventures, and last year alone companies raised more than $50 billion from initial stock offerings.

Let me also point out that the top four winners of ATP grants invested more than $20 billion of their own corporate resources into research and development. Remember, we are talking about $185 million versus $20 billion. That is twenty thousand million dollars that the private industry is putting in, and we are talking about $185 million.

Mr. Chairman, when do we end this business of the Federal Government giving something to everybody in this country? Let us get our priorities straight. Let us support the pending amendment before us this evening.

Mr. HOSTETTLER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this discussion has given credence to the old axiom that says that nothing is so absurd that if said often enough, people will start believing it. Those people who say that ATP is not corporate welfare I think are wrong. When you give hundreds of millions of dollars a year to multibillion-dollar corporations who have multibillion-dollar research and development budgets, that is corporate welfare, Mr. Chairman. I would urge that this body follow the precedents of last year and defund the ATP.

Mr. MOLLOHAN. Mr. Chairman, I yield the balance of my time to the gentlewoman from Oregon [Ms. HOOLEY].

Ms. HOOLEY of Oregon. Mr. Chairman, I rise today in opposition to this amendment. This, frankly, is an attempt to kill a good program that is having a positive impact on the American technology industry and the economy as a whole.

There is a small company, not a billionaire company, in my home State, called Planar America that is working to establish a United States presence in the flat panel display industry. Partly as a result of the ATP program, Planar has developed a means of refining the color in a remarkable technology called active matrix electroluminescence, which could rapidly become the display of choice in commercial video and military applications. But they are competing directly with companies in Japan working to beat them to the technology. The ATP program has played a key role in speeding up the development of this technology in an industry where timing is critical to future profits. In addition, Planar has invested more than an equal share in this effort as required by the program.

Let me be clear. The ATP is not a corporate giveaway. The government has a role in giving our Nation a jump start on certain high-risk innovations, and we have a responsibility to employ foresight in making our decisions. Obviously our economy and our workers stand only to benefit from this very nominal investment. I urge my colleagues to support our Nation's research and development and vote no on this amendment.

Mr. Chairman, I rise today in opposition to this amendment. This, frankly, is an attempt to kill a good program that is having a positive impact on the American technological industry and the economy as a whole.

ATP is not, as some of my colleagues will tell you, a hand-out to big American corporations. It is an investment that otherwise may not be made without the good sense and forethought of Members of this body. This is not about subsidizing individual companies; this is about the broad effects of the program on the United States economy.

The purpose of the program is to benefit entire industrial sectors that, in turn, create good jobs for U.S. workers in the future. Furthermore, it's a program that largely provides grants to small U.S. businesses. In fact, 47 percent of the current recipients are small businesses, with 75 percent of those businesses employing under 100 people.

For those who are less familiar with this program, let me give an example of how this program is making a difference for a particular industry, largely involving small companies. The flat-panel display industry has become one of the principal battlefields of international competition in electronics. While our Nation has dominated technology development in the computing industry, most of the flat-panel display technologies have come from foreign countries, especially those relating to color displays.

Computer manufacturing has been one of the most valuable industries for our Nation's economic growth with booming exports of personal computers to international markets. Yet we're allowing one of the most important components of that growth to be performed outside of the United States. The market for flat-panel displays is expected to reach $14 billion by the end of the decade. Our Nation can't afford to sell off this technology to foreign countries that are willing to adequately invest in its development.

One recipient of an ATP grant in my home State of Oregon, called Planar America, is working to establish a United States presence in that industry. Partly as a result of the ATP program, Planar has developed a means of refining the color in a remarkable technology called Active Matrix Electroluminescence, which could rapidly become the display of choice in commercial video and military applications.

But they are competing directly with companies in Japan working to beat them to the technology. The ATP program has played a key role in speeding up the development of this technology in an industry where timing is critical to future profits. In addition, Planar has invested more than an equal share in this effort, as required by the program.

Let me be clear. The ATP is not a corporate giveaway. The Government has a role in giving our Nation a jump start on certain high-risk innovations, and we have a responsibility to employ foresight in making our decisions. Obviously, our economy and our workers stand only to benefit from this nominal investment.

I urge my colleagues to support our Nation's research and development and vote no on this amendment.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I rise in strong opposition to this amendment which would eliminate funding for the Advanced Technology Program.

The ATP program facilitates the development of technology that would benefit the U.S. economy. This is done by using a combination of Federal funding and industry funding to support research on high-risk, promising technologies that have the potential to significantly

impact the Nation's economy. In today's highly competitive environment, the ATP program enables industry to pursue cutting edge technologies.

You might be interested to know that although U.S. software and computer companies lead the world in developing advanced, highly integrated systems for manufacturing; U.S. manufacturers as a whole trail their major foreign competitors in adopting these technologies. In my own State of Connecticut, United Technologies Corp. is working jointly with a number of other major industrial firms in an experiment on how our companies can adapt to new technology in a more efficient manner.

The ATP program lets modest Federal investments reap impressive rewards and keep America competitive in the global marketplace. Ending ATP would deny these companies the tools to expand our economy. And it would turn back the efforts of Democrats and Republicans who have helped the government help small business through these programs.

Everyone says they support a vibrant economy and an effective government. Let's show we match our rhetoric with action, and oppose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. HOSTETTLER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HOSTETTLER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 177, noes 235, not voting 21, as follows:

[Roll No. 456]

AYES—177

Aderholt	Deal	Jenkins
Andrews	DeLay	Johnson, Sam
Archer	Dickey	Jones
Armey	Doolittle	Kasich
Bachus	Dreier	Kingston
Baker	Duncan	Klug
Ballenger	Dunn	Kolbe
Barr	Ehrlich	Largent
Barrett (NE)	Emerson	Latham
Barrett (WI)	Ensign	Lewis (KY)
Barton	Everett	Linder
Bass	Foley	Livingston
Bereuter	Forbes	LoBiondo
Berry	Fowler	Lucas
Bilirakis	Fox	Luther
Bliley	Franks (NJ)	Manzullo
Blunt	Frelinghuysen	McCollum
Boehner	Ganske	McHugh
Bono	Gillmor	McInnis
Brady	Goodlatte	McIntosh
Bryant	Goodling	McIntyre
Bunning	Goss	McKeon
Burton	Graham	Metcalf
Buyer	Granger	Mica
Callahan	Greenwood	Miller (FL)
Campbell	Gutknecht	Minge
Canady	Hastert	Moran (KS)
Cannon	Hastings (WA)	Myrick
Chabot	Hayworth	Nethercutt
Chambliss	Hefley	Neumann
Chenoweth	Herger	Ney
Christensen	Hill	Northup
Coble	Hilleary	Norwood
Coburn	Hobson	Nussle
Combest	Hoekstra	Pappas
Condit	Horn	Parker
Cooksey	Hostettler	Paul
Cox	Hulshof	Paxon
Crane	Hunter	Pease
Crapo	Hutchinson	Peterson (MN)
Cubin	Inglis	Peterson (PA)
Cunningham	Istook	Pickering
Pitts	Schaffer, Bob	Stump
Pombo	Sessions	Sununu
Portman	Shadegg	Talent
Pryce (OH)	Shaw	Thomas
Radanovich	Shays	Thornberry
Ramstad	Shimkus	Thune
Redmond	Shuster	Tiahrt
Riggs	Smith (MI)	Upton
Riley	Smith (NJ)	Wamp
Rohrabacher	Smith (TX)	Watkins
Roukema	Smith, Linda	Watts (OK)
Royce	Snowbarger	Weldon (FL)
Ryun	Solomon	Weller
Salmon	Souder	White
Sanford	Spence	Whitfield
Scarborough	Stark	Wicker
Schaefer, Dan	Stearns	Wolf

NOES—235

Abercrombie	Gilchrest	Nadler
Ackerman	Gilman	Neal
Allen	Goode	Oberstar
Baesler	Gordon	Obey
Baldacci	Green	Olver
Barcia	Gutierrez	Ortiz
Bartlett	Hall (TX)	Owens
Bateman	Hamilton	Packard
Becerra	Harman	Pallone
Bentsen	Hefner	Pascrell
Berman	Hilliard	Pastor
Bilbray	Hinchey	Payne
Bishop	Hinojosa	Pelosi
Blagojevich	Holden	Petri
Blumenauer	Hooley	Pickett
Boehlert	Houghton	Pomeroy
Bonior	Hoyer	Porter
Borski	Hyde	Poshard
Boswell	Jackson (IL)	Price (NC)
Boucher	Jackson-Lee (TX)	Rahall
Boyd	Jefferson	Rangel
Brown (CA)	John	Regula
Brown (FL)	Johnson (CT)	Reyes
Brown (OH)	Johnson (WI)	Rivers
Burr	Johnson, E. B.	Rodriguez
Calvert	Kanjorski	Roemer
Camp	Kaptur	Rogers
Capps	Kelly	Ros-Lehtinen
Cardin	Kennedy (MA)	Rothman
Carson	Kennedy (RI)	Roybal-Allard
Castle	Kennelly	Rush
Clay	Kildee	Sabo
Clayton	Kilpatrick	Sanchez
Clement	Kim	Sanders
Clyburn	Kind (WI)	Sandlin
Conyers	King (NY)	Sawyer
Cook	Kleczka	Saxton
Costello	Klink	Scott
Coyne	Knollenberg	Sensenbrenner
Cramer	Kucinich	Serrano
Cummings	LaFalce	Sherman
Danner	LaHood	Sisisky
Davis (FL)	Lampson	Skaggs
Davis (IL)	Lantos	Skeen
Davis (VA)	LaTourette	Skelton
DeFazio	Leach	Slaughter
DeGette	Levin	Smith, Adam
Delahunt	Lewis (CA)	Snyder
DeLauro	Lewis (GA)	Spratt
Dellums	Lipinski	Stabenow
Deutsch	Lofgren	Stenholm
Diaz-Balart	Lowey	Stokes
Dicks	Maloney (CT)	Strickland
Dingell	Maloney (NY)	Stupak
Dixon	Manton	Tanner
Doggett	Markey	Tauscher
Dooley	Martinez	Tauzin
Doyle	Mascara	Taylor (MS)
Edwards	Matsui	Thompson
Ehlers	McCarthy (MO)	Thurman
Engel	McCarthy (NY)	Tierney
English	McDermott	Torres
Eshoo	McGovern	Towns
Etheridge	McHale	Traficant
Evans	McKinney	Turner
Ewing	McNulty	Velazquez
Farr	Meehan	Vento
Fattah	Meek	Visclosky
Fawell	Menendez	Walsh
Fazio	Millender-McDonald	Waters
Filner	Miller (CA)	Watt (NC)
Ford	Mink	Waxman
Frank (MA)	Moakley	Weldon (PA)
Frost	Mollohan	Wexler
Furse	Moran (VA)	Weygand
Gallegly	Morella	Wise
Gejdenson	Murtha	Woolsey
Gekas		Wynn
Gephardt		Young (FL)

NOT VOTING—21

Bonilla	Hansen	Rogan
Collins	Hastings (FL)	Schiff
Flake	Lazio	Schumer
Foglietta	McCrery	Smith (OR)
Gibbons	McDade	Taylor (NC)
Gonzalez	Oxley	Yates
Hall (OH)	Quinn	Young (AK)

□ 2233

Mrs. ROUKEMA, Mrs. NORTHUP, and Mr. BRADY changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. ROGERS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2267) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, had come to no resolution there.

LIMITING AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2267, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 2267 pursuant to House Resolution 239:

(1) No further amendment shall be in order except: amendments printed before September 25, 1997, in the portion of the congressional Record designated for that purpose in clause 6 of rule XXIII; amendments numbered 2 and 3 in part 2 of House Report 105–264; one amendment offered by Representative Rogers of Kentucky after consultation with Representative Mollohan of West Virginia; one amendment to the amendment printed in the Congressional Record and numbered 4; and pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees;

(2) each amendment shall be considered as read and (other than the amendments numbered 2 and 3 in part 2 of House Report 105–264 and the amendment numbered 4 and any amendment thereto) shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent;

(3) the amendment numbered 4 shall be debatable for 60 minutes equally divided and controlled by the proponent and an opponent, except that if an amendment thereto is offered before that debate begins, then the amendment and the amendment thereto shall

be debatable for 30 minutes equally divided and controlled by the original proponent and opponent;

(4) the amendment numbered 4 may be offered only before noon on Friday, September 26, 1997, or after 5 p.m. on Monday, September 29, 1997;

(5) the amendment numbered 2 in House Report 105–264 may be offered only on Tuesday, September 30, 1997;

(6) the amendment numbered 4 and the amendment offered by Representative Rogers may be offered without regard to the stage of the reading;

(7) after the sum of the number of motions to strike out the enacting words of the bill (as described in clause 7 of rule XXIII) or that the Committee rise offered by Members of the minority party reaches three, the chairman of the Committee of the Whole may entertain another such motion during further consideration of the bill only if offered by the chairman of the Committee on Appropriations or the Majority Leader or their designee.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Mr. Speaker, I rise for the purpose of making an announcement to the House about the House's work schedule for the remainder of the legislative program.

Mr. Speaker, does the gentleman from West Virginia wish to comment on the unanimous-consent request?

Mr. MOLLOHAN. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Speaker, I would tell the gentleman, no. I thank the majority. We agree with it, and appreciate the opportunity to work it out. We are glad that we have worked it out, and look forward to further debate on the bill.

Mr. ARMEY. Mr. Speaker, of course I realize fully that the unanimous-consent request was completely understood by all the Members here, and that there could possibly be no questions related to it.

I know that it reminded me of that great Harry Bellafonte song, ''It's clear as mud but it covers the ground,'' and everybody here is satisfied with where we are. I would like to take a moment, though, Mr. Speaker, to explain what this all means in our lives as Members as we plan the rest of our evening, the rest of the week and further consideration of this bill.

Let me begin, Mr. Speaker, with the good news. The good news is that there will be no more recorded votes this evening. Now, it only gets better from here, Mr. Speaker. The committee, again, the Members of the committee and the floor managers have once again tonight demonstrated that they continue to be willing to stay here and work on the bill even though the rest of us are free from the constraint of further votes this evening, and they will remain and continue to consider titles 2, 3, and 4 of the bill, and hopefully make good progress on those titles tonight. We will return tomorrow to consideration of the bill. The House will reconvene at 9 a.m. in the morning. It is our interest tomorrow to complete as much as is possible and hopefully altogether consideration of titles 5 and 6.

Members should understand and be assured that what we have obtained in this unanimous-consent request is a minimal number of dilatory or otherwise extracurricular votes. There will be some, but they will be minimal.

Furthermore, there are agreed-upon time limitations on some of the amendments. We ought to be able to proceed in consideration of this bill. But all Members should understand that we are no longer able, in order to achieve that much progress on the bill as is necessary to fit it into the work schedule for the remainder of the year and the impending end of the fiscal year, we may not be able tomorrow to be out by 2 o'clock, as is the expected time on Friday.

We should, however, feel quite confident that we can assure Members by virtue of this agreement that we will not work on Saturday or Sunday, and we will resume next week as scheduled. It is altogether possible, if things go well tomorrow, that we could make 2 o'clock, but Members need to understand that that might not be the case.

I want to thank everybody that has been a party to this agreement. If I may indulge myself for just a moment to put a rib on one of my colleagues from the other side of the aisle, I take a risk here, I know, but of course I always prey on his good sense of humor. The gentleman from California [Mr. MILLER], who is affectionately known on our side as the deacon of dilatoriness, has agreed with this, as we all have.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I think in plain English Members need to understand that that means tonight all votes will be rolled. The debate on the census will occur on Tuesday.

Mr. ARMEY. That is absolutely right. I appreciate that. Again, let me thank the Members. It has been my pleasure again this evening to speak to the House.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore. Pursuant to House Resolution 239 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2267.

☐ 2243

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2267) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

☐ 2245

The CHAIRMAN. When the Committee of the Whole House rose earlier today, amendment No. 12 offered by the gentleman from Indiana [Mr. HOSTETTLER] had been disposed of and the bill was open for amendment from page 42, line 5, to page 43, line 6.

The order of the House of today will be printed in the RECORD at this point.

The text of the order of the House of today is as follows:

During further consideration of H.R. 2267 pursuant to House Resolution 239:

(1) No further amendment shall be in order except: amendments printed before September 25, 1997, in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII; amendments numbered 2 and 3 in part 2 of House Report 105–264; one amendment offered by Representative Rogers of Kentucky after consultation with Representative Mollohan of West Virginia; one amendment to the amendment printed in the Congressional Record and numbered 4; and pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees;

(2) Each amendment shall be considered as read and (other than the amendments numbered 2 and 3 in part 2 of House Report 105–264 and the amendment numbered 4 and any amendment thereto) shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent;

(3) The amendment numbered 4 shall be debatable for 60 minutes equally divided and controlled by the proponent and an opponent, except that if an amendment thereto is offered before that debate begins, then the amendment and the amendment thereto shall be debatable for 30 minutes equally divided and controlled by the original proponent and opponent;

(4) The amendment numbered 4 may be offered only before noon on Friday, September 26, 1997, or after 5 p.m. on Monday, September 29, 1997;

(5) The amendment numbered 2 in House Report 105–264 may be offered only on Tuesday, September 30, 1997;

(6) The amendment numbered 4 and the amendment offered by Representative Rogers may be offered without regard to the stage of the reading;

(7) After the sum of the number of motions to strike out the enacting words of the bill (as described in clause 7 of rule XXIII) or that the Committee rise offered by Members of the minority party reaches three, the chairman of the Committee of the Whole may entertain another such motion during further consideration of the bill only if offered by the chairman of the Committee on

Appropriations or the Majority Leader or their designee.

The CHAIRMAN. Are there further amendments to this portion of the bill which are in order under the order of the House?

Mr. ROGERS. Mr. Chairman, could I inquire where we are in the reading of the bill?

The CHAIRMAN. We are at page 43, line 6.

If there are no further amendments at this point, the Clerk will read.

The Clerk read as follows:

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $21,000,000: *Provided,* That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $25,000,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $47,000,000, to remain available until September 30, 1999.

ECONOMICS AND STATISTICS ADMINISTRATION REVOLVING FUND

The Secretary of Commerce is authorized to disseminate economic and statistical data products as authorized by sections 1, 2, and 4 of Public Law 91–412 (15 U.S.C. 1525–1527) and, notwithstanding section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912), charge fees necessary to recover the full costs incurred in their production. Notwithstanding 31 U.S.C. 3302, receipts received from these data dissemination activities shall be credited to this account, to be available for carrying out these purposes without further appropriation.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $136,499,000.

PERIODIC CENSUSES AND PROGRAMS

Subject to the limitations provided in section 209, for expenses necessary to conduct the decennial census, $381,800,000, to remain available until expended.

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, $168,326,000, to remain available until expended.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $17,100,000, to remain available until expended: *Provided,* That notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further,* That hereafter, notwithstanding any other provision of law, NTIA shall not authorize spectrum use or provide any spectrum functions pursuant to the NTIA Organization Act, 47 U.S.C. 902–903, to any Federal entity without reimbursement as required by NTIA for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum: *Provided further,* That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of the NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC BROADCASTING FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $16,750,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided,* That not to exceed $1,500,000 shall be available for program administration as authorized by section 391 of the Act: *Provided further,* That, notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $21,490,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided,* That not to exceed $3,000,000 shall be available for program administration and other support activities as authorized by section 391: *Provided further,* That of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: *Provided further,* That, notwithstanding the requirements of section 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks, $27,000,000, to remain available until expended: *Provided,* That the funds made available under this heading are to be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund as authorized by law: *Provided further,* That the amounts made available under the Fund shall not exceed amounts deposited; and such fees as shall be collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, shall remain available until expended.

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, $8,500,000, of which not to exceed $1,600,000 shall remain available until September 30, 1999.

SCIENCE AND TECHNOLOGY

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $282,852,000, to remain available until expended, of which not to exceed $1,625,000 may be transferred to the ''Working Capital Fund''.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $113,500,000, to remain available until expended, of which not to exceed $300,000 may be transferred to the ''Working Capital Fund''.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $185,100,000, to remain available until expended, of which not to exceed $74,100,000 shall be available for the award of new grants, and of which not to exceed $500,000 may be transferred to the ''Working Capital Fund''.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $111,092,000, to remain available until expended: *Provided,* That of the amounts provided under this heading, $94,400,000 shall be available for obligation and expenditure only after submission of a plan for the expenditure of these funds, in accordance with section 605 of this Act.

Ms. LOFGREN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think we may be getting a little ahead of ourselves.

The CHAIRMAN. Is the gentlewoman from California [Ms. LOFGREN] the designee of the gentleman from West Virginia [Mr. MOLLOHAN]?

Mr. MOLLOHAN. Yes, Mr. Chairman.

Ms. LOFGREN. Mr. Chairman, reclaiming my time, I had an amendment to offer and we had been discussing having a colloquy. Are we prepared to do our colloquy, Mr. Chairman?

Mr. ROGERS. Mr. Chairman, I am prepared.

Ms. LOFGREN. Mr. Chairman, as you know, I had an amendment regarding El Nino research. El Nino in extreme weather is of great concern to all Americans and every Member of this House on both sides of the aisle. I was concerned that the current state of the bill might not allow the research that we all want to have happen.

However, I did want to inquire of the chairman, knowing of his great concern, and engage in a colloquy with him on this subject.

Mr. ROGERS. Mr. Chairman, will the gentlewoman yield?

Ms. LOFGREN. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I appreciate the concerns of the gentlewoman from California [Ms. LOFGREN] about

the climate and global change research program.

The bill provides $70 million for these research programs. This is a $2 million increase over the current level. I understand there is a difference in funding between the House and Senate. But I would be happy to work with the gentlewoman from California [Ms. LOFGREN] as we move to that conference.

Ms. LOFGREN. Mr. Chairman, reclaiming my time, I thank the gentleman from Kentucky [Mr. ROGERS]. And based on that, I do not intend to offer my amendment. I look forward to working with my colleague in the hope that we can achieve our mutual goal. I thank the gentleman very much for engaging with me on this.

The CHAIRMAN. Are there further amendments to this paragraph?

Hearing none, the Clerk will read.

The Clerk read as follows:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; not to exceed 270 commissioned officers on the active list as of September 30, 1998; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized by 33 U.S.C. 883i; $1,406,400,000, to remain available until expended: *Provided,* That, notwithstanding 31 U.S.C. 3302 but consistent with other existing law, fees shall be assessed, collected, and credited to this appropriation as offsetting collections to be available until expended, to recover the costs of administering aeronautical charting programs: *Provided further,* That the sum herein appropriated from the General Fund shall be reduced as such additional fees are received during fiscal year 1998, so as to result in a final General Fund appropriation estimated at not more than $1,403,400,000: *Provided further,* That any such additional fees received in excess of $3,000,000 in fiscal year 1998 shall not be available for obligation until October 1, 1998: *Provided further,* That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further,* That in addition, $62,381,000 shall be derived by transfer from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'': *Provided further,* That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed $2,000,000: *Provided further,* That of the $1,498,681,000 provided for in direct obligations under this heading (of which $1,403,400,000 is appropriated from the General Fund, $67,581,000 is provided by transfer, and $27,700,000 is derived from unobligated balances and deobligations from prior years), $219,624,000 shall be for the National Ocean Service, $326,943,000 shall be for the National Marine Fisheries Service, $237,463,000 shall be for Oceanic and Atmospheric Research, $511,154,000 shall be for the National Weather Service, $119,835,000 shall be for the National Environmental Satellite, Data, and Information Service, $66,712,000 shall be for Program Support, $5,000,000 shall be for Fleet Maintenance, and $11,950,000 shall be for Facilities Maintenance: *Provided further,* That unexpended balances in the accounts ''Construction'' and ''Fleet Modernization, Shipbuilding and Conversion'' shall be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

I thank the chairman for giving me this time here tonight, and I would like to give the opportunity for a couple of Members to talk about their amendment if they would like to. Mr. Chairman, these amendments are being included in the chairman's manager's amendment and this gives them an opportunity to speak to their amendments.

Mr. Chairman, I yield to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, this amendment, which is partially based upon the amendment I filed on behalf of myself, the gentleman from Maryland [Mr. GILCHREST], the gentleman from Delaware [Mr. CASTLE], the gentleman from New Jersey [Mr. PALLONE], the gentleman from North Carolina [Mr. JONES], the gentleman from New York [Mr. BOEHLERT], and the gentlewoman from North Carolina [Mrs. CLAYTON], is in response to one simple fact: our coastal waters are in trouble.

It is hard to read the newspaper lately and not come across a story about toxic Pfiesteria, brown tides, and ecological dead zones in our Nation's coastal waters. From the Long Island Sound to the Chesapeake Bay, from Louisiana to Oregon, fish kills, contaminated shellfish beds, beach closures, deteriorating coral reefs, and harmful algae blooms are taking an enormous toll both on the environment and the economies of our coastal areas.

While the specific sources of coastal pollutants are not always clear, the leading cause of water quality impairment in these areas and all of our bays, lakes and rivers is nonpoint source pollution, polluted runoff from city streets, farms, and a variety of other sources. In fact, nonpoint pollution is our Nation's number one water pollution problem.

To tackle these threats to our coastal areas' economic and ecological vitality, Congress established the Coastal Nonpoint Pollution Control Program under the National Oceanic and Atmospheric Administration in 1990. This program provides technical and financial assistance to States to address the water pollution threats to coastal waters.

Working with NOAA and the EPA, coastal States have invested millions of dollars crafting runoff control programs. My own State of New York has invested considerable effort in developing a plan that will benefit Long Island Sound, the Hudson River, the Great Lakes, and the New York City Watershed. Many State plans are ready for implementation, but Federal support for their efforts has not been provided since 1995.

NOAA's Coastal Nonpoint Pollution Program is the only Federal program which holds real promise for reducing nonpoint source pollution, and it is critical that we provide funding to make sure that States continue to make progress.

I want to personally thank the gentleman from Kentucky [Mr. ROGERS] and the gentleman from West Virginia [Mr. MOLLOHAN] for their help in working with us to provide funding for this important program. The agreement we have reached will provide $1 million, the full amount demanded by the administration, to assist States that have already developed management plans.

The evidence is clear that our coastal waters are sick. It is time that we step up to the plate and wage war on these contaminants. The money is a down payment on our environmental future. The needs among coastal States are clearly greater.

I look forward to working with my colleagues on both sides of the aisle to provide more funding next year.

Mr. MOLLOHAN. Mr. Chairman, I yield to the gentleman from New York [Mr. BOEHLERT].

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Chairman, I support the amendment.

Mr. Chairman, I rise this evening in strong support of the Lowey-Gilchrest-Castle-Boehlert Amendment. Protecting our nation's coastal waters from nonpoint source pollution is one of the greatest water quality challenges facing our nation. We must do more to address coastal nonpoint sources of pollution and this amendment is an important step in the right direction.

Today, over half of all water quality impairment in the United States is caused by nonpoint source pollution and coastal waters have proven to be exceptionally vulnerable to this source of pollution. Recent fish kills on the Pocomoke and Manokin Rivers in southern Maryland are just a glimpse at what may be ahead for America's coastal resources. Failure to significantly reduce nonpoint sources of water pollution will place in jeopardy the biological, commercial, and recreational viability of every beach, bay and estuary in America.

It should be noted that over 75% of all fish harvested by American commercial fishermen begin their lives in estuaries like the Chesapeake.

''Pfiesteria hysteria'' is not completely unfounded. Pfiesteria-like organisms reside in coastal waters on the East Coast, the West Coast, the Gulf of Mexico and throughout the Great Lakes. The time has come to rethink our clean water paradigm.

In the last 25 years the Federal government has spent over $60 billion to assist communities in addressing point sources of pollution. However, during this same period the Federal government has spent less than $1 billion addressing nonpoint source pollution—the cause of over half the water quality impairment in America. We must reform the nonpoint source

pollution provisions of the Clean Water Act, the section 6217 program, and our spending priorities to address this reality.

As the Chairman of the Water Resources and Environment Subcommittee, which has jurisdiction over both the CWA and the Coastal Zone Management Section 6217 program, I urge all my colleagues to support this modest increase in funding for the Coastal Nonpoint Pollution Control Program administered by NOAA.

Mr. MOLLOHAN. Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. ROGERS

Mr. ROGERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROGERS:

Page 51, line 5, after the dollar amount insert ''(increased by $1,500,000)''.

Page 51, line 11, after the second dollar amount insert ''(increased by $1,500,000)''.

Page 51, line 14, after the dollar amount insert ''(increased by $1,500,000)''.

Page 51, line 16, after the dollar amount insert ''(increased by $4,000,000)''.

Page 51, line 23, after the dollar amount insert ''(reduced by $2,500,000)''.

The CHAIRMAN. The gentleman from Kentucky [Mr. ROGERS] and a Member in opposition each will be recognized for 5 minutes.

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am offering the amendment on behalf of our colleagues the gentlewoman from New York [Mrs. LOWEY] and the gentleman from Maryland [Mr. HOYER] and, in addition, to address an issue of concern to the gentleman from New Jersey [Mr. SAXTON].

The amendments are combined in this manager's amendment and provides $3 million for the National Ocean Service to address the problem of Pfiesteria and $1 million for the Nonpoint Source Pollution Program. This amendment has been worked on from the outset by the colleagues that I have mentioned, and they have put much time and effort into the proposal that we are offering here this evening.

Mr. Chairman, I yield as much time as she may consume to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I thank the gentleman from Kentucky [Mr. ROGERS] for yielding. However, during this unusual procedure, since I already had the privilege of speaking on this very important nonpoint pollution source amendment, I want to thank the gentleman from West Virginia [Mr. MOLLOHAN] for his cooperation.

□ 2300

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Chairman, I want to thank the gentleman from Kentucky [Mr. ROGERS], the gentlewoman from New York [Mrs. LOWEY] and the other sponsors of this amendment to come to this agreement that provides $1 million for the Coastal Nonpoint Source Pollution Control Program. This is the level requested in the President's budget and is the first funding for this program in 2 years. The program is critical to coastal states because nonpoint source pollution is the leading cause of pollution along our Nation's coasts.

I represent the New Jersey shore where our entire way of life, our economy and the health and safety of our residents is dependent on the quality of our coastal waters. I know that it is the same for coastal communities throughout the country.

The effect of nonpoint source pollution on coastal areas can be devastating, as we have all seen over the last several weeks with what is happening in the Chesapeake Bay. I just want to say, according to a recent report by the Natural Resources Defense Council, coastal nonpoint source pollution is now the leading cause of beach closings nationwide. In fact, over half of the beach closings and advisories last year for which there was a determined cause, 893 of 1,627 closings and advisories were caused by nonpoint source pollution.

We have come a long way over the last 25 years to cleaning up our Nation's waters, but now nonpoint source pollution is the final frontier in water pollution. But it is by working together as we are today that we are finally going to take this step and finally accomplish the goal of the Clean Water Act, and that is swimmable, fishable waters. This will go a long way toward accomplishing that.

Mr. ROGERS. Mr. Chairman, I yield the balance of my time to the gentleman from Maryland [Mr. HOYER].

Mr. MOLLOHAN. Mr. Chairman, I yield the balance of my time to the gentleman from Maryland [Mr. HOYER].

The CHAIRMAN. The gentleman from Maryland [Mr. HOYER] is recognized for 7 minutes.

Mr. HOYER. Mr. Chairman, I want to rise on behalf of the Members from both sides of the aisle from Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia and Florida. We are very appreciative, all of us, to the gentleman from Kentucky [Mr. ROGERS] for helping us work on this amendment and thank very much the distinguished gentleman from West Virginia [Mr. MOLLOHAN] for his assistance in coming to this agreement.

So that the body understands, this amendment is in two parts. The gentlewoman from New York [Mrs. LOWEY], the gentleman from New Jersey [Mr. PALLONE]), the gentleman from Massachusetts [Mr. TIERNEY] and others offered an amendment which will add $1 million to nonpoint source research for the National Oceanographic and Atmospheric Administration. This amendment that I rise to offer on behalf of my colleagues from the States I mentioned is appropriating $3 million to NOAA to assist the States in determining the factors responsible for the toxic organism pfiesteria.

Clearly NOAA is one of the best equipped Federal agencies with the technical expertise and the scientific know-how to determine the causes and controls of pfiesteria outbreaks. NOAA's recently established interagency national research program called Ecohab will use this funding to understand what pfiesteria is and why it morphs into a toxic state, and to establish ways to react to outbreaks when they occur.

Moreover, $1 million of this funding will be used by NOAA to assist the affected States in expanding, monitoring and developing new, more rapid techniques for identifying the toxic phase of pfiesteria as well as the environmental conditions potentially conducive to these outbreaks. This enhanced monitoring support will be essential to overcoming the difficulty in detecting pfiesteria outbreaks because of the sporadic nature of the organism and the rapid response needed to observe the toxic phase.

Mr. Chairman, the Federal Government has a responsibility, a duty, to assist the States, however possible, in this fight. It will be important that the Congress give the agencies the necessary tools to accomplish this task. This funding will be yet another important step in the Congress' response to this ongoing problem.

I want to thank, as I said earlier, the gentleman from Kentucky [Mr. ROGERS] and the gentleman from West Virginia [Mr. MOLLOHAN] for their help.

Mr. CASTLE. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Delaware [Mr. CASTLE], the distinguished former Governor of Delaware, who saw this problem as a Governor, and now as a legislator in the Federal Congress is dealing with it.

Mr. CASTLE. Mr. Chairman, I thank the gentleman from Maryland for yielding. I thank everybody who has had anything to do with putting all of this together. The problems of pfiesteria and algae, which we have seen this summer all the way from parts of New York all the way perhaps down to Florida, have been tremendous. In my judgment, the only way to really coordinate and to attack from the point of view of doing something about it, worrying about what it is doing to both fish and to human beings, is to do it on a national level. We simply had to shift some of the funding, and the subcommittee has been extremely cooperative in helping to put this together.

Experts have testified on the Hill today. The various States are getting involved in trying to coordinate their efforts also. I think for all these reasons we are finally beginning to address the problems that may be from the point or nonpoint sources. We do not know. We are going to find it, and this is a tremendous start.

Mr. CARDIN. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the distinguished gentleman from Maryland [Mr. CARDIN] from the Baltimore region, but also impacting on the Chesapeake Bay.

Mr. CARDIN. Mr. Chairman, I want to thank the gentleman from Maryland (Mr. Hoyer) and all of those involved for arranging for this amendment to be offered. I strongly support it. Pfiesteria is a very serious problem that we have all along the east coast of the United States. It is responsible for major fish kills, for the closing of recreational and commercial waterways, and it is a major health problem for the people of our region. This is an extremely serious matter. I am very pleased that the Federal Government is moving in with funds to try to deal with this problem. It is a good amendment, and I strongly support it. Once again, I congratulate my colleague for his leadership in this area.

Mr. HOYER. I thank the gentleman from Maryland.

Mrs. CLAYTON. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentlewoman from North Carolina, who has worked so hard on this issue.

(Mrs. CLAYTON asked and was given permission to revise and extend her remarks.)

Mrs. CLAYTON. I thank the gentleman for yielding.

Mr. Chairman, this is an important issue. I thank all of those who have allowed us to come to the floor. Hopefully through research we will resolve this issue.

Mr. TIERNEY. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Massachusetts.

(Mr. TIERNEY asked and was given permission to revise and extend his remarks.)

Mr. TIERNEY. Mr. Chairman, I rise in support of the provision of money for the Coastal Nonpoint Source Pollution Control Program.

Mr. Chairman, I rise to join my colleagues who are offering this amendment in voicing my strong support. I commend those Members who have worked diligently to provide funding for this important program, and I am extremely pleased that the chairman of the subcommittee has agreed to provide $1 million in much needed funding.

Mr. Chairman, the Massachusetts Audubon Society has been tracking this issue and has reported some alarming facts about pollution that is damaging the coasts of Massachusetts.

According to the Massachusetts Audubon Society, pollution levels have been measured at 1,000 times higher than existing water quality standards for the safe consumption of shellfish and 100 times higher than is considered safe for swimming in some areas.

Aside from protecting our environment, fighting pollution can also yield significant economic benefits. Adequate funding to address this problem will help open the shell fishing beds for harvest, promote increased tourism, and generally enhance fishing, swimming, boating, bird watching, and other recreational activities.

I am also pleased to note that this funding will boost other initiatives that we have taken to improve the lives of the people of Massachusetts, including funds for improvements to wastewater treatment facilities as well as the Essex Heritage area in Essex County and Merrimac Valley areas of Massachusetts.

The combined result will be a healthier environment, cleaner coastal regions and waterways, and more effective wastewater treatment programs. Providing money for the Coastal Nonpoint Pollution Control Program is a positive and necessary part of this process.

Mr. ETHERIDGE. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from North Carolina.

(Mr. ETHERIDGE asked and was given permission to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Chairman, I want to thank the gentleman from Maryland and all of those who have worked so hard. This has had a significant impact on my home State. We have lost over a billion fish, and an awful lot of people have been sick. I thank the gentleman for the efforts that have gone forward on this.

Mr. Chairman, I am proud to cosponsor this amendment with the gentleman from Maryland and with many of my colleagues from North Carolina and other mid-Atlantic States. I want to commend the gentleman from Maryland, [Mr. HOYER] for his leadership on this issue. For many years he has played a leading role in protecting the environment and cleaning up the waterways of his beautiful State and across the country. He has now taken the lead in bringing the problem of pfiesteria to the national stage and for what I want to express my sincere gratitude.

I also want to thank my colleagues in the House for taking the first step on this issue by providing $7 million in the recent appropriations bill for the Centers for Disease Control and Prevention to monitor, research, and react to the public health effects of pfiesteria.

Since 1991 over 1 billion fish have been killed in North Carolina alone as a result of pfiesteria. Recently, fish kills have also been reported in Maryland and it is feared that past fish kills in other States may have been caused by pfiesteria. Pfiesteria has been blamed for sores, burning skin, respiratory ailments, and short-term memory loss in human beings. This is a serious public health and environmental issue that requires national leadership. Pfiesteria has become a genuine and immediate public health concern for at least seven States between Delaware and Florida and if not address its eventual impact could go far beyond these States. Like fish, pfiesteria knows of no State boundaries. Our natural resources and our waterways are simply too valuable for us not to act to protect them and the public health.

I urge my colleagues to join me in support of this $3 million appropriation for the National Oceanic and Atmospheric Administration [NOAA] to effectively respond to pfiesteria and pfiesteria-like conditions throughout the eastern seaboard. NOAA has the mechanisms in place to study and assess the causes and how we can begin to control pfiesteria. I hope this marks the beginning of a strong Federal-State partnership to protect American citizens, our waterways, and the marine life in them that is so important to our food supply.

Again, I want to thank the gentleman from Maryland for taking the lead on this issue. Mr. Chairman, I urge my colleagues to vote ''yes'' on this important amendment.

Mr. GILCHREST. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the distinguished gentleman from Maryland, my very good friend, who probably works as hard on these issues as anybody I know and does so with great knowledge and great sensitivity. I am proud that he is a Member of our delegation.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman from Maryland [Mr. HOYER] and those distinguished people and staff that have worked on this process for many, many months now to achieve an end that we are all seeking.

When we deal with these kinds of issues, which are basically scientifically driven, we as policymakers sometimes find it difficult to understand the mechanics of all of the details. But what we need to understand is that it is time to understand the mechanics of natural processes and how they impact all of us and the quality of our lives. I would just leave my colleagues with this statement to drive policy for environmental issues: Mortgage payments and lung tissue. We have got to have both.

Mr. HOYER. I thank the gentleman for his comment.

Mr. Chairman, I also want to mention in particular the gentleman from North Carolina [Mr. MCINTYRE] and the gentleman from North Carolina [Mr. HEFNER], the gentlewoman from Maryland [Mrs. MORELLA], the gentleman from Maryland [Mr. WYNN], the gentleman from Maryland [Mr. EHRLICH] and the gentleman from North Carolina [Mr. PRICE] who have joined with us in the offering of this amendment along with, as I said, the other Members from the Atlantic Coast States.

I want to in closing again thank the gentleman from Kentucky [Mr. ROGERS] and the gentleman from West Virginia [Mr. MOLLOHAN], who have worked very closely, I know, with the gentlewoman from New York [Mrs. LOWEY] and her staff on the nonpoint source pollution, which, of course, is very much a part of the pfiesteria problem so that this is a very closely related issue.

I want to thank Jennifer Miller as well, who has been so conscientious in assisting us to get this agreement.

We thank the gentleman from Kentucky very much, all of us who know that this issue is so critically important to our States, to our people, to the economy as well as the ecology of our waterways and our land.

Mr. SAXTON. Mr. Chairman, part of Mr. ROGERS' amendment addresses an important matter regarding the Atlantic herring and mackerel fishery. This amendment would reduce the operations, research and facilities account for the National Oceanic and Atmospheric Administration. This account funds the National Marine Fisheries Service. The purpose of the amendment is to prohibit any fiscal year 1998 funds to be used by the Department of Commerce to issue or renew a fishing permit or authorization for any fishing vessel of 165 feet in length or larger and of 3,000 or more horsepower.

By way of background, on July 28, 1997, the House of Representatives approved an emergency measure, H.R. 1855, to place a moratorium on the entrance of new large fishing vessels in the Atlantic herring and mackerel fisheries. These stocks are under an imminent threat. There are up to four huge factory trawler/freezer vessels which are poised to enter this fishery within a very short timeframe. One such vessel plans to begin harvesting this fall and is working feverishly to obtain the necessary permits, despite the overwhelming vote of the House.

As the subcommittee chairman of the authorizing committee, I am extremely concerned about this threat to these fisheries. This is a potentially disastrous situation that needs to be remedied quickly. Based on testimony before the Subcommittee on Fisheries Conservation, Wildlife and Oceans, it is clear that the mackerel fishery can only sustain a 150,000 metric ton annual harvest. The capacity of each of these vessels exceeds 50,000 metric tons per year. Three of these large fishing vessels would easily meet and possibly exceed this harvest within 1 year. It is not clear that the resource can withstand this massive fishing effort and remain viable. Because of this threat to the resource off the East Coast, I feel compelled to offer this amendment to implement emergency action for 1 year through the appropriations process.

During this 1-year cooling off period, it will be possible to obtain the necessary population data so that the Department of Commerce can make an accurate forecast of how many fish can be caught—before another crisis occurs.

The limitation contained in this amendment closely parallels the authorization bill I introduced on the matter, H.R. 1855, which passed the authorizing committee, House Resources, with no objection. It also was debated on the House Floor on July 27, during which there was not one word of dissent. It passed on suspension of the rules by voice vote. Its vocal supporters include DON YOUNG, Resources Committee chairman, GEORGE MILLER, Resources Committee ranking Democratic member, NEIL ABERCROMBIE, Subcommittee on Fisheries Conservation, Wildlife and Oceans ranking Democratic member.

The NMFS seems content to wait until the stocks crash before taking action to protect these fisheries. We have seen how the agency's inaction has caused precipitous declines in the Gulf of Mexico with redfish, in the Atlantic with sharks, in the Pacific with sea urchins and in New England with cod and haddock. As someone who has witnessed the pain and economic suffering experienced by those fishermen, I do not believe that we should fish now and pay later. We must end this cycle of destroying our resources without knowing how much fishing pressure they can endure. Help me to conserve our Atlantic herring and mackerel stocks.

Mr. PALLONE. Mr. Chairman, I rise today to speak on an amendment that will protect a resource in my district from being overutilized and depleted.

This amendment, introduced by the chairman of the Fisheries Conservation, Wildlife, and Oceans Subcommittee, serves to prohibit large fishing vessels from obtaining a permit and engaging in the harvest of Atlantic herring and Atlantic mackerel within our EEZ waters.

I believe that we must prohibit large vessels from the Atlantic herring and mackerel fishery until accurate information has been collected. To date, no ship of this size has fished this vulnerable fishery. There is no way for us to know how a large vessel would effect the fishery.

Mr. Chairman, large vessels have the potential of depleting any fishery and have it overutilized in a short amount of time. Large fishing trawlers are highly efficient and have the ability to harvest five or six times more than any vessel currently registered on the Atlantic Coast.

Furthermore, the processing capacity of large vessels is so great that they, themselves, can fill fishing quotas. As a result, these ships would compromise the Atlantic herring and the Atlantic mackerel fishing seasons. Mr. Chairman, if you are not aware, stock quotas are spread over a number of ships and are not designed to be filled by a small percentage of ships.

My fear is that a large, highly efficient ship could close a fishery and reduce its stock simply by the number of fish it can catch.

I am also concerned with the National Marine Fisheries Service's ability to react to this fishery if overutilization occurs and the fishery needs to shut down. If a ship of this size is allowed to harvest this fishery, and there is a mistake as to the size of the herring and mackerel stock, we will have a problem. If we are to guess as to the size of the stock and its preservation, I would rather make the mistake on the side of conservation, no exploitation.

In the past, we have encouraged highly efficient gears to fish underutilized stocks. In the 1980's we redirected efforts towards the shark species. At the time, sharks were considered to be underutilized. As a result, a drop in various sharks species has occurred. We must now take emergency measures in protecting those shark species. Mr. Chairman, have we not learned from our past mistakes?

A vote in support of this amendment is a vote for conservation and a vote for the protection of one of our largest public resources. This is an opportunity for Members of the House to protect a fish stock not only for those fishermen whose livelihood depends on this resources, but for future generations of fisherman as well. As a member of the subcommittee on Fisheries Conservation, Wildlife and Oceans, I strongly urge my colleagues to support and pass this amendment.

Mrs. MORELLA. Mr. Chairman, I rise in strong support of the amendment. It provides $3 million for NOAA's national ocean service account to help States with scientific and technical assistance in the fight against pfiesteria. This amendment is needed to enable NOAA to better assist States—NOAA has the expertise to help states to study and analyze the causes of, and possible solutions to, the fish kills linked to pfiesteria in several Chesapeake Bay tributaries.

The States of Maryland and Virginia, and possibly several others, face a very serious threat to the health of our ecosystem and watersheds. The toxic outbreaks of pfiesteria also have had an adverse impact on our fishing industry, our tourism industry, and the health of some of our citizens. We must do everything possible to assist the affected States in responding to this challenge. The funding provided through this amendment will ensure that the States have access to the expertise needed to adequately respond not only to this regional problem, but also to avoid future recurrences nationwide.

I urge my colleagues to vote for the amendment. Give the States the scientific and technical assistance they need to effectively respond to this environmental and public health threat.

Mr. DELAHUNT. Mr. Chairman, more than 20 years ago, my predecessor in this Chamber helped enact landmark legislation to ensure that foreign fleets would no longer be allowed to deplete fish stocks off our coasts. Well, here we go again. Unless this amendment is approved, factory trawlers are poised to return—this time with advanced technology aimed at two of the few healthy stocks we still have left: Atlantic herring and mackerel.

In late July, this House passed legislation banning factory trawlers from harvesting Atlantic herring and mackerel until a fisheries management plan is in place. Similar legislation is pending before the other chamber.

Even since then, a great deal has happened that brings the devastation of mackerel and groundfish stocks off the New England coast closer to a reality.

At least one factory trawler has been granted an exemption by the National Marine Fisheries Service [NMFS] and, as we debate, is being retrofitted to set sail for the waters off the New England coast. This one vessel alone is capable of harvesting 50,000 metric tons of mackerel a year—a third of the sustainable yield for the whole Atlantic coast—not to mention the likely impact of bycatch from this harvest on haddock and scores of other marine species.

And now, we learn that at least two other factory trawlers may be charting course for the east coast. A classified advertisement, in the October issue of ''National Fisherman,'' seeks ''captains, mates, engineers, deckhands * * * to fill positions'' on ''two freeze trawlers locating on U.S. East Coast to fish herring and mackerel.''

This is an emergency. If you had heard the testimony at last spring's hearing, it would be alarmingly clear that no one—including NMFS—knows enough about the population dynamics of herring and mackerel to risk placing such enormous new pressures on these species. And those of us who live in the coastal communities which depend upon them to sustain a healthy economy. Without this amendment, we stand to repeat the mistakes of the past.

Everything we've gained these past decades is at risk if we don't pass this amendment.

In the late 1960's and early 1970's, large Russian and Polish vessels plied our shores and threatened to decimate our fishing industry and our stocks. It took the passage of the Magnuson Act to push them from our waters, leaving what we thought was plenty of fish to go around. Less than a year after the House reauthorized that statute, we face the prospect of factory vessels again invading our fisheries. This is absurd.

New England fishermen—already stressed by declining stocks, higher prices, and shortened seasons—continue to face bleak times as we await the slow process of rebuilding groundfish stocks. Already, we have too many boats chasing too few fish; and far too many vessels that will never again go to sea at all. To allow these huge trawlers to return would be a disaster of major proportion.

Unless we pass this amendment, local fleets trying to diversify their harvests will be driven from the seas, with drastic consequences to their livelihood and way of life.

For the sake of both fish and the fishermen, it is my own hope that the Fisheries Council will implement management plans that make further congressional action unnecessary. This House spoke clearly in July and I urge my colleagues to join in supporting this amendment, to show that we can learn from our mistakes.

Mrs. MORELLA. Mr. Chairman, I rise in strong support of the Lowey-Gilchrest-Castle-Pallone-Jones amendment.

This amendment will provide critical funding to the NOAA budget for the development and implementation of nonpoint source pollution plans. States, in conjunction with businesses and farmers, will be able to establish programs to control the run-off from farms and communities that have been associated with the recent pfiesteria outbreak in several Chesapeake Bay tributaries and the deaths of thousands of fish and manatees in Florida. Such programs are critical if we are to preserve not only our beaches and the health of our citizens, but to protect the tourism and fisheries industries in coastal states.

I commend the chairman and ranking minority member for their understanding and support for this effort. Vote ''yes'' on the Lowey-Gilchrest amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. ROGERS].

The amendment was agreed to.

Mr. BROWN of California. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Is the gentleman the designee of the ranking member?

Mr. BROWN of California. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

(Mr. BROWN of California asked and was given permission to revise and extend his remarks.)

Mr. BROWN of California. Mr. Chairman, I know it has been a long evening. I will try to be as brief as possible.

The gentleman from Kentucky knows of my concern about the proliferation of science and technology agreements engineered by the State Department between this country and other countries. I have been very much concerned about this for a number of years. The Department currently reports more than 800 international science and technology cooperative agreements with more than 90 countries. The negotiations are costly and raise expectations in other countries that the U.S. is indeed serious about pursuing a substantive cooperative research arrangement. However, these agreements have not generally produced any substantive scientific research agreements.

I am anxious to have more information about the extent of these agreements and whether we can do something about reducing the cost of this vast proliferation of agreements that apparently result in no particular results from a research standpoint. I am going to ask the cooperation of the chairman in seeking more information about these from the State Department.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I am well aware of the gentleman's concerns on this issue, and he raises valid points. As the gentleman is aware, I have been working to improve the efficiency of the State Department, and this is another example where the State Department could do a better job. I am not aware of any information that indicates the magnitude of the problem.

Mr. BROWN of California. I thank the gentleman for that response. I would merely like to request that the gentleman join me in requesting that the Department submit to Congress a quarterly report listing any trips that it approves for negotiations or assisting in negotiations of international S&T agreements as well as the amount of Federal funds available to implement the research envisioned by the terms of the agreement; and secondly, any consultations under existing agreements, as well as the amount of Federal funds to support the research projects envisioned in the agreements. I believe this will be the first step in quantifying the size and scope of this issue and may force the Department to take a hard look at its operations in this area.

Mr. ROGERS. The gentleman is, of course, entitled to request any information of the State Department that he sees fit. If it is helpful to him that I join him in his request, I would, of course, be willing to do so.

Mr. BROWN of California. Mr. Chairman, I want to thank the gentleman very much for his assistance in this matter. I look forward to working with him on this issue.

Mr. Chairman, may I add one additional point? The amendment of the gentleman that was just passed is of extreme importance on the west coast as well as the east coast. For example, just last month, we had a fish kill of over a million fish within 1 day. I think that it may be connected to the same kind of problems that are affecting fish on the east coast. I look forward to exploring this issue, also. Again I thank the gentleman very much for his courtesy.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the remainder of title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The text of the remainder of title II is as follows:

CAPITAL ASSETS ACQUISITION

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of capital assets acquisition or construction, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $460,600,000, to remain available until expended: *Provided,* That not to exceed $116,910,000 is available for the advanced weather interactive processing system, and may be available for obligation and expenditure only pursuant to a certification by the Secretary of Commerce that the total cost to complete the acquisition and deployment of the advanced weather interactive processing system and NOAA Port system, including program management, operations and maintenance costs through deployment will not exceed $186,300,000: *Provided further,* That unexpended balances of amounts previously made available in the ''Operations, Research, and Facilities'' account and the ''Construction'' account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $7,800,000, for purposes set forth in sections 308(b)(2)(A), 308(b)(2)(B)(v), and 315(e) of such Act.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $953,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96–339), the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100–627), and the American Fisheries Promotion Act (Public Law 96–561), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $189,000, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

For the cost of direct loans, $250,000, as authorized by the Merchant Marine Act of 1936, as amended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, $28,490,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11 as amended by Public Law 100–504), $20,140,000.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(RESCISSION)

Of the unobligated balances available under this heading, $5,000,000 are rescinded.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15

U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce, shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses paid before October 1, 1992, as authorized by section 8501 of title 5, United States Code, for services performed after April 20, 1990, by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the 1990 decennial census of population.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided,* That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. (a) Should legislation be enacted to dismantle or reorganize the Department of Commerce, the Secretary of Commerce, no later than 90 days thereafter, shall submit to the Committees on Appropriations of the House and the Senate a plan for transferring funds provided in this Act to the appropriate successor organizations: *Provided,* That the plan shall include a proposal for transferring or rescinding funds appropriated herein for agencies or programs terminated under such legislation: *Provided further,* That such plan shall be transmitted in accordance with section 605 of this Act.

(b) The Secretary of Commerce or the appropriate head of any successor organization(s) may use any available funds to carry out legislation dismantling or reorganizing the Department of Commerce to cover the costs of actions relating to the abolishment, reorganization, or transfer of functions and any related personnel action, including voluntary separation incentives if authorized by such legislation: *Provided,* That the authority to transfer funds between appropriations accounts that may be necessary to carry out this section is provided in addition to authorities included under section 205 of this Act: *Provided further,* That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 207. Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title shall be absorbed within the total budgetary resources available to such Department or agency: *Provided,* That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further,* That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 208. The Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

SEC. 209. (a) Any person aggrieved by the use of any statistical method in violation of the Constitution or any provision of law (other than this Act), in connection with the 2000 or any later decennial census, to determine the population for purposes of the apportionment or redistricting of members in Congress, may in a civil action obtain declaratory, injunctive, and any other appropriate relief against the use of such method.

(b) For purposes of this section, the use of any statistical method in a dress rehearsal or similar test or simulation of a census in preparation for the use of such method, in a decennial census, to determine the population for purposes of the apportionment or redistricting of members in Congress shall be considered the use of such method in connection with that census.

(c) For purposes of this section, an ''aggrieved person'' includes—

(1) any resident of a State whose congressional representation or district could be changed as a result of the use of a statistical method challenged in the civil action;

(2) any Representative or Senator in Congress; and

(3) either House of Congress.

(d)(1) Any action brought under this section shall be heard and determined by a district court of 3 judges in accordance with section 2284 of title 28, United States Code. Any order of a United States district court which is issued pursuant to an action brought under this section shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under this section shall be issued by a single Justice of the Supreme Court.

(2) No sums appropriated under this or any other Act may be used for any statistical method, in connection with any decennial census, to determine the population for purposes of the apportionment or redistricting of members in Congress after a civil action is commenced challenging or seeking to uphold the use of such method, until that method has been judicially finally determined to be authorized by the Constitution and by Act of Congress.

(3) It shall be the duty of a United States district court and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under this section.

(e) Any agency or entity within the executive branch, having authority with respect to the carrying out of a decennial census, may in a civil action obtain a declaratory judgment respecting whether or not the use of a statistical method, in connection with such census, to determine the population for the purposes of the apportionment or redistricting of members in Congress is forbidden by the Constitution and laws of the United States.

(f) For purposes of this section—

(1) the term ''statistical method'' means an activity related to the design, planning, testing, or implementation of the use of sampling, or any other statistical procedure, including statistical adjustment, to add or subtract counts to the enumeration of the population; and

(2) a matter shall not be considered to have been judicially finally determined until it has been finally determined on the merits in appellate proceedings before the Supreme Court of the United States.

(g) This section shall apply in fiscal year 1998 and succeeding fiscal years.

(h) Nothing in this Act shall be construed to authorize the use of any statistical method, in connection with a decennial census, for the apportionment or redistricting of members in Congress.

The CHAIRMAN. Are there any amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; $29,278,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $3,400,000, of which $410,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $15,507,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $11,478,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $2,700,069,000 (including the purchase of firearms and ammunition); of which not to exceed $13,454,000 shall remain available until expended for space alteration projects; and of which not to exceed $10,000,000 shall

remain available until expended for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,450,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

VIOLENT CRIME REDUCTION PROGRAMS

For activities of the Federal Judiciary as authorized by law, $40,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as authorized by section 190001(a) of Public Law 103–322, and sections 818 and 823 of Public Law 104–132.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); $329,529,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i).

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)); $66,196,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702); $167,214,000, to be expended directly or transferred to the United States Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $52,000,000, of which not to exceed $7,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $17,495,000; of which $1,800,000 shall remain available through September 30, 1999, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $25,000,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $7,400,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $1,800,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $9,000,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except ''Courts of Appeals, District Courts, and Other Judicial Services, Defender Services'' and ''Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners'', shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $10,000 and shall be administered by the Director of the Administrative Office of the United States Courts in his capacity as Secretary of the Judicial Conference.

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title III be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Are there any amendments?

If not, the Clerk will read.

The Clerk read as follows:

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c) and 22 U.S.C. 2674; and for expenses of general administration; $1,715,087,000: *Provided*, That all fees collected under the authority of section 140(a)(1) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) shall be deposited in fiscal year 1998 as an offsetting collection to appropriations made under this heading to recover the costs of providing border security and shall remain available until expended.

Of the funds provided under this heading, $24,856,000 shall be available only for the Diplomatic Telecommunications Service for operation of existing base services and not to exceed $17,312,000 shall be available only for the enhancement of the Diplomatic Telecommunications Service and shall remain available until expended.

In addition, not to exceed $700,000 in registration fees collected pursuant to section 38 of the Arms Export Control Act, as amended, may be used in accordance with section 45 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717); in addition not to exceed $1,252,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act (Public Law 90–553), as amended, and in addition, as authorized by section 5 of such Act $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; and in addition not to exceed $15,000 which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)).

Notwithstanding section 402 of this Act, not to exceed 20 percent of the amounts made available in this Act in the appropriation accounts ''Diplomatic and Consular Programs'' and ''Salaries and Expenses'' under the heading ''Administration of Foreign Affairs'' may be transferred between such appropriation accounts: *Provided*, That any transfer pursuant to this sentence shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

In addition, for counterterrorism requirements overseas, including security guards and equipment, $23,700,000, to remain available until expended.

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of State and the Foreign Service, provided for by law, including expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and the State Department Basic Authorities Act of 1956, as amended, $363,513,000.

□ 2315

AMENDMENT NO.33 OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GILMAN:

Page 67, line 19, insert before the period the following:

: *Provided*, That, of such amount, not more than $356,242,740 shall be available for obligation until the Secretary of State has made one or more designations of organizations as foreign terrorist organizations pursuant to section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)), as added by section 302 of Public Law 104–132 (110 Stat. 1214, 1248).

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York [Mr. GILMAN] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will be brief.

I am pleased to join my colleague from New York [Mr. SCHUMER] in offering this important amendment to the Commerce, Justice, State, and Judiciary appropriations bill to address a threat of terrorism here at home.

Back in April 1996 the President signed into law the comprehensive antiterrorism measure which included the administration's request for authority to designate certain groups as terrorist organizations with links to foreign state sponsors of terrorism such as Iran. Our State Department is responsible for carrying out that authority.

The bill also included the administration's request for authority to take preventive action against these groups, such as freezing their financial assets. Our Treasury Department is responsible for that aspect once the State Department has made its designations.

The administration considered this authority so important that a veto was threatened unless until the bill contained those provisions. Yet, 17 months have gone by and the administration is yet to exercise that authority that it so ardently sought. It is difficult to understand the reasons for such a delay.

The FBI has provided the State Department with extensive material on a number of terrorist groups, including Hizballah and Hamas and their front organizations, some of which are operating right here in our own Nation. The statute does not envision a one-time list that had to include each and every possible foreign terrorist organization. The State Department can add and delete groups as circumstances and evidence warrant.

However, the State Department has declined to make the designations because of what it has said is a strong desire to avoid a false perception that it might be singling out certain groups for identification. This is quite puzzling, Mr. Chairman, to say the least, because we in Congress understand that targeting these terrorist groups was the very purpose of this legislation.

Our amendment withholds 2 percent of the State Department's salaries and expense budget, approximately $7.25 million, until it complies with this provision. Our amendment should send a clear message that we, the Congress, will not wait any longer. The terrorist bombing of the New York World Trade Center in 1993 was a wake-up call the administration apparently missed. Those of us in the Congress did not miss such a call.

The administration's inaction also is evidence that it is not taking seriously the threat from foreign terrorist organizations, especially those doing business and raising funds right here in our own Nation. The American people are entitled to reasonable efforts to protect their security and to timely enforcement of our laws to fight international terrorism which clearly is directed against our own Nation.

The time is long overdue for the State Department to single out foreign terrorist organizations such as Hamas, Hizballah, the Kurdistan Worker's Party, the Revolutionary Armed forces of Columbia, as was intended when the President signed this into law in April of 1996.

Accordingly, I urge the administration to hear our wake-up call that this amendment sends and to act now. Accordingly, we urge adoption of this amendment.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, we have inspected the amendment and have no objection.

Mr. GILMAN. Mr. Chairman, I thank the gentleman from Kentucky [Mr. ROGERS].

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. GILMAN].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. GILMAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 239, further proceedings on the amendment offered by the gentleman from New York [Mr. GILMAN] will be postponed.

Are there further amendments to this portion of the bill?

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the bill through Page 70, line 7 be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The text of the bill from Page 67, line 20, through Page 70, line 7, is as follows:

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $50,600,000, to remain available until expended, as authorized in Public Law 103–236: *Provided*, That section 135(e) of Public Law 103–236 shall not apply to funds appropriated under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $28,300,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980, as amended (Public law 96–465), as it relates to post inspections.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $4,300,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, $7,900,000, to remain available until September 30, 1999.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), $373,081,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)): *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), $5,500,000 to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)), of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $593,000, as authorized by section 4 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2671): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $607,000 which may be transferred to and merged with the Salaries and Expenses account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8, $14,000,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $129,935,000.

The CHAIRMAN. Are there amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $978,952,000, of which not to exceed $54,000,000 shall remain available until expended for payment of arrearages: *Provided,* That none of the funds appropriated or otherwise made available by this Act for payment of arrearages may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of a subsequent Act that makes payment of arrearages contingent upon reforms that should include the following: a reduction in the United States assessed share of the United Nations regular budget to 20 percent and of peacekeeping operations to 25 percent; reimbursement for goods and services provided by the United States to the United Nations; certification that the United Nations and its specialized or affiliated agencies have not taken any action to infringe on the sovereignty of the United States; a ceiling on United States contributions to international organizations after fiscal year 1998 of $900,000,000; establishment of a merit-based personnel system at the United Nations that includes a code of conduct and a personnel evaluation system; United States membership on the Advisory Committee on Administrative and Budgetary Questions that oversees the United Nations budget; access to United Nations financial data by the General Accounting Office; and achievement of a negative growth budget and the establishment of independent inspectors general for affiliated organizations; and improved consultation procedures with the Congress: *Provided further,* That any payment of arrearages shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further,* That 20 percent of the funds appropriated in this paragraph for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under section 401(b) of Public Law 103–236 and under such other requirements related to the Office of Internal Oversight Services of the United Nations as may be enacted into law for fiscal year 1998: *Provided further,* That certification under section 401(b) of Public Law 103–236 for fiscal year 1998 may only be made if the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives are notified of the steps taken, and anticipated, to meet the requirements of section 401(b) of Public Law 103–236 at least 15 days in advance of the proposed certification: *Provided further,* That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: *Provided further,* That of the funds appropriated in this paragraph, $100,000,000 may be made available only on a semi-annual basis pursuant to a certification by the Secretary of State on a semi-annual basis, that the United Nations has taken no action during the preceding six months to increase funding for any United Nations program without identifying an offsetting decrease during that six-month period elsewhere in the United Nations budget and cause the United Nations to exceed the expected reform budget for the biennium 1998–1999 of $2,533,000,000: *Provided further,* That notwithstanding section 402 of this Act, not to exceed $4,000,000 may be transferred from the funds made available under this heading to the ''International Conferences and Contingencies'' account for assessed contributions to new or provisional international organizations: *Provided further,* That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

AMENDMENTS OFFERED BY MR. BARTLETT OF MARYLAND

Mr. BARTLETT of Maryland. Mr. Chairman, I offer 2 amendments, Amendment No. 2 and Amendment No. 3.

The CHAIRMAN. Is there objection to consideration of the amendments en bloc?

There was no objection.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments as follows:

Amendments offered by Mr. BARTLETT of Maryland:

In title IV relating to ''DEPARTMENT OF STATE AND RELATED AGENCIES'', in the item relating to ''International Organizations and Conferences—contributions to international organizations'' strike ''of which not to exceed $54,000,000 shall remain available until expended for payment of arrearages'' and all that follows through the second proviso.

In title IV relating to ''DEPARTMENT OF STATE AND RELATED AGENCIES'', in the item relating to ''International Organizations and Conferences—contributions to international peacekeeping activities'' strike ''of which not to exceed $46,000,000 shall remain available until expended for payment of arrearages'' and all that follows through the second proviso.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Maryland [Mr. BARTLETT] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have here a report from the GAO. This report was requested by Senator Dole, and he asked them to make an assessment of the peacekeeping costs incurred by the United States, and let me read the criteria for preparing this report.

It says: ''Dear Senator Dole: As requested, we are providing you information on U.S. agencies' estimated costs for their support of U.N. peace operations in Haiti, the former Yugoslavia, Rwanda, and Somalia.''

This does not include flights over Iraq, note, and it does not include Bosnia. This includes only fiscal years '92 through '95.

''For this report we define peace operations as actions taken in support of U.N. resolutions.'' These only include our participation when there was a U.N. resolution ''designed to further peace and security, including observers; monitors; traditional peacekeeping; preventive deployment; peace enforcement; security assistance; the imposition of sanctions; and the provision, protection and delivery of humanitarian relief.''

What we have done in the chart here is to summarize the findings of this GAO report. The GAO report indicated that through years 1992 to 1995 we had spent on peacekeeping $6.6 billion. The amount credited as U.N. dues was $1.8 billion of that, and they reimbursed to us $79.4 million of it, leaving a balance of $4,720,600,000.

Our argument relative to these 2 amendments is a very simple argument. The argument is simply this: that if we owe any dues to the U.N., we are not arguing whether we owe, should owe dues or not, we are not arguing what the size of those dues are, we are simply saying that if we owe dues to the U.N., then there should be an accounting, and from the GAO report it would appear that we have spent $6.6 billion in peacekeeping activities, $1.8 billion of that has been credited, $79.4 million of that has been reimbursed. That leaves $4,720,600,000. If we owed them $1.3 billion in dues, that would still leave a balance of $3,420,600,000.

Now the State Department says that we are not owed anything by the United Nations. From the GAO report it would appear that we are owed by the United Nations $3,420,600,000, because let me read again. We define peace operations as actions taken in support of U.N. resolutions. These were not instances in which we sent troops or supplies to support our own national interests. These were responses we made to U.N. resolutions.

I am not willing to let the State Department be the arbiter of whether or not we are owed by the U.N. the $4.7 billion or, as they say, that we do not owe them anything. All our amendment does is to say please let us not start down this billion dollar road by giving this $100 million to the U.N., because as soon as that train leaves the station we are committed to about $1 billion dollars, more or less. We want an accounting before that happens. That is all we are asking for, and we are not the first to ask for that accounting.

I wrote to the President about this, and he wrote me a letter back saying, ''I fully agree with you that when the United States participates in U.N.-assessed peacekeeping operations it should be reimbursed on the same terms that apply to all other participants.'' All we are asking is that we get that accounting.

I have here a quote from the majority leader, the gentleman from Texas (Mr. Dick Armey), and this was in a speech which he gave, a foreign policy speech in June. He said that the U.N.

squandered hundreds of millions of American tax dollars through bureaucratic waste and inefficiency of almost Soviet proportions. He goes on to say, ''I believe that an accurate accounting of our so-called U.N. arrearages will support only a far lower figure.''

The gentleman from Georgia, Newt Gingrich, the Speaker of the House, right here from the well of the House on March 17 enumerating the several goals of this Congress, says our 12th goal, and listen to this, ''Our 12th goal is to reform the United Nations. We believe that the United States should get full credit for its financial contributions to the United Nations, including military capabilities, facilities, local government services, and the security we provide.''

That is all we are asking for. Our amendment is really very simple and self-explanatory.

Mr. ROGERS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Maryland.

Mr. Chairman, there is only one true constituency for reform at the U.N., and that is the United States Congress. For years many of us have argued that the U.N. is a bureaucracy smothered under the weight of inefficiency, that the United States pays too much and other countries pay too little, that the United States does not get reimbursed for expenditures in support of U.N. operations, that programs and offices continue indefinitely after their mission is obsolete, and on and on.

For the past several years we have conditioned our current year assessments to the U.N. on achievement of reforms, and we have made progress, the establishment of an Inspector General as an example, the enactment of a no-growth budget by the U.N., and reductions in personnel, to name just a few. There appears to be one thing and one thing only that captures the attention of the U.N., and that is money.

It is clear that we have captured the U.N.'s attention. The issue that is now the focus of debate at the U.N. is reform, from the proposals of the Secretary General to the proposals now being advocated by the United States representative largely at the urging of this Congress.

We are at a crossroads. If we are willing to begin paying arrearages contingent upon the kinds of reform that are pending in the Helms-Gilman authorization bill, we stand a chance of obtaining the kinds of reforms that many of us have been arguing for for many years. If we are not willing to begin paying arrearages, we assure that reform will not happen and that the most significant chance we have had in recent history to achieve reform will go by the wayside.

One of the changes we are seeking to make is to the very problem that the gentleman from Maryland complains about, that the United States is not adequately reimbursed for the in-kind contributions and support that we provide. The HELMS–Gilman authorization bill, which must pass if the money for arrearages in this bill is to be released, requires that the United States seek credit or reimbursement for its in-kind contributions and support.

I am not in disagreement with the gentleman from Maryland. We should be credited for our in-kind contributions. In the last Congress Republicans tried to enact a law to make that happen, and it was opposed by the administration.

The language in this bill states that we will make a payment on arrearages, but only if from this point forward we obtain reimbursement.

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That is our position. We have a chance to achieve exactly what the gentleman from Maryland desires.

Mr. Chairman, what this bill does is to provide first year funding for payment of arrearages at the level set by Congress, not by the U.N. or by the State Department, if and only if an authorization bill is passed that makes payment contingent upon a series of real and substantial reforms at the United Nations. No money, unless an authorization is passed that contains reforms, and no release of funds unless the administration certifies that those reforms have been achieved.

This is our best shot at U.N. reform. I urge my colleagues to vote against the Bartlett amendment.

The CHAIRMAN. Does the gentleman reserve his time? The gentleman rose in opposition. He controls 5 minutes. The gentleman still has a 1½ minutes left.

Mr. ROGERS. I reserve the balance of my time.

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The time is controlled under the rule by the gentleman that offered the amendment, and he used his time. Then there is time controlled by a Member in opposition. That time was taken by the gentleman from Kentucky, Chairman ROGERS, and he has used 3½ minutes. The gentleman has 1½ minutes left that he can yield.

PARLIAMENTARY INQUIRY

Mr. MOLLOHAN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. MOLLOHAN. Mr. Chairman, it is my understanding I can move to strike the last word and get 5 minutes under the agreement.

The CHAIRMAN. Under the order of the House, that is true. The gentleman is recognized for 5 minutes.

Mr. MOLLOHAN. The chairman has reserved his time. The chairman can yield his time to Mr. GILMAN.

The CHAIRMAN. The gentleman from West Virginia may proceed under his 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I join the gentleman from Kentucky, Chairman ROGERS, in opposition to this amendment. I think it is really ill-timed and in a way comes out of the blue.

For a number of years now, this committee and the chairman particularly has been at the forefront of trying to effect reforms in the United Nations through the only way really the United States Congress can effectively do that, through the appropriations process. We have been extremely effective at doing that, I think, and ratcheting up the pain on the United Nations to the point that we have seen a lot of good responsiveness from them.

This year, the gentleman who offers the amendment cited Mr. Dole's request for a GAO study of this. I don't know about Senator Dole's request for a study and I have not seen the GAO study, but I do know the Senator has been very active as a part of a working group to put together a compromise with regard to UN arrearages, which is in place and which the authorizing committee is considering as we speak. This bill funds the first $100 million of that compromise that the authorizing committee is considering.

Mr. Chairman, I would hope that this body would not favorably consider this amendment, because, as I say, it would be very ill-timed to take away the real incentive that we have to make the authorizing language work, and that is the $100 million, the first down payment on the arrearage.

It is a phased payment, this is the first down payment, and it would be a real mistake to not fulfill that part of the obligation because the UN is being responsive to this approach.

Mr. BARTLETT of Maryland. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Maryland.

Mr. BARTLETT of Maryland. Mr. Chairman, our amendments do not argue whether or not we owe arrearages to the UN. All our amendments argue is that if we owe arrearages to the UN, then, please, as the GAO report indicates, subtract those arrearages from the monies which the UN owes us.

We are making a different argument than the one we made. We are not arguing whether or not we owe dues to the UN. We are simply saying if we owe dues to the UN, then please take them from the money the UN owes us. If it is not the $4.8 billion that one can easily deduce from the GAO report, then what is it? I am just not willing to let the State Department arbitrate that dispute.

There is clearly a dispute between a reasonable reading of the GAO report and the State Department position, and I am not willing to let the State Department arbitrate that. That is our role to arbitrate that.

All I want to do is I want to stop this train from leaving the station, the $1 billion train, until we have reached a resolution of that.

Mr. MOLLOHAN. Reclaiming my time, I understand the gentleman's position, and I am getting to the point.

The gentleman is suggesting that somehow the UN owes us for our contributions.

Mr. BARTLETT of Maryland. I am saying that is what the GAO said, we have spent $6.8 billion.

Mr. MOLLOHAN. Is the gentleman not advancing the GAO position here? You are suggesting the UN owes us for in-kind contributions with regard to these operations, is that correct?

Mr. BARTLETT of Maryland. That is correct, sir.

Mr. MOLLOHAN. If I may reclaim my time, that is a point that I just disagree with. With respect to the issue that the UN somehow owes us for past peacekeeping operations, the gentleman is well aware of the facts of how UN peacekeeping is paid for.

We pay our share of the assessed operations, and when it is in the national security interests of the United States, we support and pay for voluntary peacekeeping activities.

Now, these operations are undertaken because of our national security interests, and other countries undertake under similar missions for which they are not reimbursed.

If we disrupt this arrangement, you are going to bankrupt the United Nations, number one, I would point out, and, second, if that were to happen, I would submit that we would be undertaking incredible obligations on, because we would have to end up assuming all of this responsibility for which now we are contributing our part, along with other contributors to the United Nations peacekeeping operations.

Mr. BARTLETT of Maryland. If the gentleman would yield further our share, I think is too high.

Mr. MOLLOHAN. Mr. Chairman, reclaiming my time, just on that, this committee and the chairman and the whole committee worked very hard to make sure that our share is being reduced. That, again, is a part of all of this negotiation, and also part of the authorizing bill that we passed several years ago.

Mr. BARTLETT of Maryland. Mr. Chairman, if the gentleman would continue to yield, the GAO used only monies, referenced only monies, that we spent in response to a UN resolution.

One cannot make arguments that sending troops to Rwanda and Somalia advanced our vital national interests to the point that we should bear the full cost of that. That is what we are now doing.

Mr. MOLLOHAN. Mr. Chairman, if I may reclaim my time, the fact that it is in response to a UN resolution does not mean we cannot voluntarily look at a situation and say it is in our best interest, our own national security interest, to make this contribution. That is what we have done. I do not think you can go around after making that voluntary contribution and say the UN owes us for it, particularly when it is obviously in our own national security interests.

Mr. ROGERS. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. GILMAN], the Chairman of the Committee on International Relations.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Chairman, I rise in opposition to the amendment being offered by the gentleman from Maryland [Mr. BARTLETT] which strikes the proposed $54 million from fiscal year 1998 requested by the administration to repay our UN international organization arrearages, and which would strike the proposed $46 million to pay UN peacekeeping arrearages.

However well-intentioned the gentleman from Maryland's amendments are, it would actually cost the American taxpayer much more in the long run than it would save over the course of the next fiscal year.

If adopted, the amendments would prevent the administration from achieving management reforms and capping overall UN spending. As the distinguished subcommittee chairman stated, the $54 million requested by the administration for international organization arrearages is subject to enactment of an authorization bill, a bill that conditions payment of arrearages on the achievement of substantial reforms at the United Nations and other international organizations.

It will fully repay all arrearages that the administration states that our Nation owes to the U.N. regular budget, which began to accumulate in fiscal year 1989.

Pennywise and pound-foolish, the amendments would sacrifice our long-term objectives of saving more than one-half billion dollars over the next 5 years for the short-term goal of cutting less than $60 million for the upcoming fiscal year. Its passage would only ensure that our Nation has no influence or role in the ongoing effort to downsize and streamline the oversized U.N. bureaucracy. Stripping the arrearage funding requests from this appropriation bill simply undermines the ongoing bipartisan and bicameral effort to complete action complete action of the U.N. funding package this year.

Mr. ROGERS. Mr. Chairman, I move to strike the last word.

I yield 30 seconds to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, the reforms in this package include substantial reductions in our regular budget and peacekeeping assessments from the U.N., caps our overall spending on U.N. agencies and programs, and certifications from the administration assuring that the U.N. implements a code of conduct, a personal evaluation system, access to U.N. financial data by the GAO, and greater consultations with the Congress.

I would like to stress to my colleagues that it is our firm intention that none of the fU.N.ds in this bill appropriated for U.N. arrearages will be spent without giving Members an opportunity to consider an authorization measure now in conference between our two international relations committees that contain all the reforms I have described. Accordingly, I urge my colleagues to defeat the amendment.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. SMITH].

The CHAIRMAN. The gentleman cannot yield blocks of time under the 5-minute rule, but the gentleman can yield time. By saying that, the gentleman is telling the gentleman that he is going to speak for only 2 minutes, but we are not going to remind him from the Chair that those 2 minutes are up.

Mr. SMITH of New Jersey. Mr. Chairman, I thank my good friend for yielding.

Mr. Chairman, I rise in reluctant opposition to the amendment of my good friend from Maryland. Mr. Chairman, I strongly support the goals of the Bartlett amendment. I believe the United Nations has strayed too far and too often from its original purposes. It is too big, it spends too much, and many of its programs and specialized agencies truly are out of control. And, yes, we Americans have been paying far more than our fair share of U.N. expenses. This situation clearly needs to be fixed, and it needs to be fixed now.

Mr. Chairman, the way to fix this program is to guarantee that not a penny will be spent to settle the dispute over U.N. arrearages until and unless the problems are fixed to the satisfaction of Congress.

Mr. Chairman, I rise in reluctant opposition to the amendment by my good friend from Maryland.

Mr. Chairman, I strongly support the goals of the Bartlett amendment. I believe the United Nations has strayed too far and too often from its original purposes. It is too big. It spends too much. Many of its programs and specialized agencies are out of control. Some of these programs do far more harm than good—such as the United Nations Population Fund [UNFPA] activities in support of the Chinese Government's coercive population control system, and other programs that come down against innocent human life, against the traditional family, against the values of most Americans and against the values of the moderate and conservative majorities in almost every country in the world. And, yes, we Americans have been paying far more than our fair share of U.N. expenses. This situation needs to be fixed, and it needs to be fixed now.

Mr. Chairman, the way to fix this problem is to guarantee that not a penny will be spent to settle the dispute over U.N. arrearages until and unless the problems are fixed to the satisfaction of Congress. Unfortunately, the pending amendment provides no such guarantee. The bill as written, however, goes a long way toward doing so. It provides that none of the U.N. money can be spent without authorization by Congress. And when we bring back a conference report on the Foreign Relations authorization bill, it will condition any resolution of the arrearages issue not only on reimbursement of future U.S. expenses in support

of peacekeeping, but also on a reduction in U.S. dues—which are currently at an outrageous 25 percent—on reduction in the size of the U.N. bureaucracy, and on getting both the United Nations and the United States out of international programs that threaten traditional values and innocent human life.

If we can't get those conditions, we will not bring back a conference report, and not a penny will be spent on these arrearages. If the conference report on the authorization bill does not contain these strict conditions—if it does not genuinely reform the United Nations, save billions of dollars for U.S. taxpayers by solving the reimbursement problem and requiring other nations to pay their fair share, and get the United Nations and the United States out of programs that are destructive of traditional values and innocent human life—then I will urge my colleagues to vote against it.

Mr. Chairman, I would like to engage briefly in a colloquy with the gentleman from Kentucky [Mr. ROGERS].

The bill, as currently written, would not authorize a single penny to be spent for U.N. arrearages unless Congress passes an authorization bill. I would like to ask the gentleman whether it is his firm intention to insist that the House and Senate conference on this bill not waive the authorization requirement for U.N. arrearages?

Mr. ROGERS. Mr. Chairman, the bill currently states that payment of U.N. arrearages is subject to passage of an authorization. If the Bartlett amendment fails, that will be the position of the House going into conference. It is my intention to press for the House position in conference.

Mr. SMITH of New Jersey. I thank the gentleman for those assurances. Based on those, I would oppose the pending amendment, because I know the gentleman will stand firm in his determination not to waive the authorization requirement, and then we can bring back a genuine reform package that addresses not only the problems addressed by the Bartlett amendment, but a whole range of systemic problems with the U.N. and other international programs whose cost that are not only measured in millions of dollars, but millions of human lives.

Mr. ROGERS. Mr. Chairman, I yield to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in reluctant opposition to the amendment offered by my good friend and colleague the gentleman from Maryland [Mr. BARTLETT]. None of us dispute the fact that the United Nations has problems, and this is why Congress has withheld part of our dues and peacekeeping assessment to the UN during the past several years.

But a compromise has been reached. The administration and the Congressional leadership on both sides of the aisle have reached this compromise to allow us to begin repaying our dues, spreading out the funds over three years in order to provide the necessary leverage to assure that the General Assembly adopts the reforms.

It is highly unlikely that the nations of the General Assembly are going to allow us to impose reforms when we are not paying our share, and even our allies, Britain, Germany and Japan, have indicated they will not support our reforms if we are not paying our arrears.

My friend and neighbor, the gentleman from Maryland [Mr. BARTLETT], argues that it is actually the UN that owes us money, but nothing could be further from the truth. The figures the gentleman cites from the GAO include costs of non-UN peacekeeping operations undertaken by the United States in our own national interests, such as the Gulf War and our operations in Bosnia and Haiti.

Every living former Secretary of State opposes the Bartlett amendment, including Baker, Haig, Shultz and Kissinger. It is a bad amendment. It does not serve our national interests.

Mr. ROGERS. Mr. Chairman, reclaiming my time, I yield to the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Chairman, the Gulf War and the flights over Iraq are not included in this. You know, if you do not pass my amendments, a year from now we are going to be back here asking where the $100 million went. We are trying to bribe the UN into making reforms.

If we reward them for reforms that might happen, bribing them is not going to happen. You have to do some really creative accounting to conclude anything other than we concluded from the GAO report.

Mr. SNOWBARGER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Maryland. Providing arrearage payments to the United Nations now would be a grave mistake by this House. I strongly believe that the United States must get at least some credit for its in-kind contributions to United Nations peacekeeping missions, Furthermore, Congress should not appropriate any money for arrearages until real reforms at the United Nations are agreed to and begin to be implemented.

Mr. Chairman, the United States is not a freeloader or a deadbeat when it comes to our relationship with the United Nations. Our contributions to the UN—particularly peacekeeping missions—have been far more than we are ever given credit for.

This amendment does not ask for reimbursement for the Korean or gulf wars. Neither are we asking for recompense for the costs of enforcing the embargoes on Iraq or Yugoslavia. We do request compensation for the contributions necessary to support official United Nations peacekeeping undertakings. In the 4 years from 1992 through 1995, America contributed $4.8 billion in support of peacekeeping missions over and above our assessments. These costs included training other nations' troops in Haiti, humanitarian airdrops in Bosnia, airlifting troops to Rwanda, and building ports in Somalia.

Opponents of giving credit to America for these in-kind expenditures claim that if America were to be reimbursed we—and some other countries such as France—would end up paying no cash to fund UN peacekeeping missions. If this is indeed true, then the UN's budget process for peacekeeping missions is fundamentally dishonest and the United States is, in truth, paying a far higher percentage of the costs than even the inflated 31 percent assessment that we are charged. It is true that the administration did not contract with the United Nations to undertake these activities. On the other hand, these activities are real and vital costs of the peacekeeping missions and must be taken into account when figuring the real cost of the missions. After all, the Haiti mission could not proceed if the incoming troops were not trained—the costs of that training should be considered part of that mission.

Let me elaborate on some of this in-kind support. Our troops and private consultants trained Haitians in proper police procedure in an attempt to give that country some internal security force that doesn't rely solely on fear and terror. American forces conducted reconnaissance missions to establish the supply lines for aid shipments through Rwanda and Zaire. Our troops also reconnoitered the proposed airstrike targets in Bosnia.

Another significant use of American resources—if not in money then in a use of highly trained and scarce manpower—is the use of our Special Forces personnel as escorts for UN VIP's as they visit the locations of these peacekeeping missions. The Americans who died in Bosnia earlier this month were doing just that.

But even if the House should decide that the United States should pay the arrearages, for diplomatic reasons or because the administration unilaterally incurred these costs with no request or expectation of repayment, we still should not appropriate the money just yet. We must remember why the United States assumed this debt in the first place. Under the Kassebaum-Solomon amendment of 1985, Congress directed the administration to withhold this money in order to get the United Nations to adopt some desperately needed reforms. There have been some reforms promised, significantly fewer actually made. Past administrations have certified that the UN was making acceptable progress toward the reforms and released some of the withheld funds. But once the administration made its certification, the UN promptly ceased its progress, and did its best to undermine efforts at reform.

The Clinton administration and the U.N.'s allies say the American taxpayer should pay the arrearages now and wait for reforms later because the dues are legal obligations of our government. But the obligations go both ways, and part of the bargain with the United Nations should be that the institution be efficient, responsible, and accountable. As anyone who has dealt with a nonperforming contractor knows, withholding payment is often the only way to get him to respond to your concerns.

There is a provision in the bill that withholds the money until UN reforms are enacted. The report says that the reforms should include those contained in S. 903 which is pending in conference. These are fairly good reforms, and they make a good start on fixing the United Nations. There's only one problem. They have not yet been enacted into law. We have no way of knowing which reforms will actually

be in the legislation. Neither do we know if the United Nations will agree to implement these reforms. We should not put the cart before the horse by providing the money before the reform package is fully in place.

The United Nations is a group of sovereign states; it is not sovereign itself. The people who work there must be made to understand that. We must put the officials at the UN on notice that much of what they call reform is not seen as such by America. Moves designed to eventually eliminate the United States' veto in the Security Council or provide an independent source of revenue for the organization should be utterly unacceptable to this Congress. What is needed is an end to the arrogance, corruption, and waste.

In closing, Mr. Chairman, I again urge the House to support Mr. BARTLETT's amendment. There may be a time in the future when it is appropriate to pay back dues to the United Nations. That time will be when the United States finally gets what it's paying for.

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The CHAIRMAN. The question is on the amendments offered by the gentleman from Maryland [Mr. BARTLETT].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BARTLETT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 239, further proceedings on the amendment offered by the gentleman from Maryland [Mr. BARTLETT] will be postponed.

Are there further amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security $261,000,000, of which not to exceed $46,000,000 shall remain available until expended for payment of arrearages: *Provided,* That none of the funds appropriated or otherwise made available by this Act for payment of arrearages may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of a subsequent Act described in the first proviso under the heading ''Contributions to International Organizations'' in this title: *Provided further,* That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least fifteen days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable), (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate Committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further,* That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses authorized by section 5 of the State Department Basic Authorities Act of 1956, in addition to funds otherwise available for these purposes, contributions for the United States share of general expenses of international organizations and conferences and representation to such organizations and conferences, as provided for by 22 U.S.C. 2656 and 2672, and personal services notwithstanding 5 U.S.C. 5102, $1,500,000, to remain available until expended as authorized by 22 U.S.C. 2696(c), of which not to exceed $200,000 may be expended for representation as authorized by 22 U.S.C. 4085: *Provided,* That these funds shall be available for obligation or expenditure only after submission of a plan for the expenditure of these funds in accordance with the procedures set forth in section 605 of this Act.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $17,490,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $6,463,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182; $5,490,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $14,490,000: *Provided,* That the United States' share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101–246, $8,000,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses not otherwise provided, for arms control, nonproliferation, and disarmament activities, $41,500,000, of which not to exceed $50,000 shall be for official reception and representation expenses as authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.).

UNITED STATES INFORMATION AGENCY

INTERNATIONAL INFORMATION PROGRAMS

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), to carry out international communication, educational and cultural activities; and to carry out related activities authorized by law, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of such Act of 1948 (22 U.S.C. 1471), and entertainment, including official receptions, within the United States, not to exceed $25,000 as authorized by section 804(3) of such Act of 1948 (22 U.S.C. 1474(3)); $430,597,000: *Provided,* That not to exceed $1,400,000 may be used for representation abroad as authorized by section 302 of such Act of 1948 (22 U.S.C. 1452) and section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085): *Provided further,* That not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion pictures, educational advising and counseling, exchange visitor program services, and publication programs as authorized by section 810 of such Act of 1948 (22 U.S.C. 1475e): *Provided further,* That not to exceed $920,000 to remain available until expended may be used to carry out projects involving security construction and related improvements for agency facilities not physically located together with Department of State facilities abroad.

TECHNOLOGY FUND

For expenses necessary to enable the United States Information Agency to provide for the procurement of information technology improvements, as authorized by the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $5,050,000, to remain available until expended.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $193,731,000, to remain available until expended as authorized by section 105 of such Act of 1961 (22 U.S.C. 2455): *Provided,* That not to exceed $800,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching and publication programs and educational advising and counseling as authorized by section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e).

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 1998, to remain available until expended: *Provided,* That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 1998, to remain available until expended.

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the United States Information Agency, as authorized by the United States Information and Educational Exchange Act of 1948, as amended, the Radio Broadcasting to Cuba Act, as amended, the Television Broadcasting to Cuba Act, the United States International Broadcasting Act of 1994, as amended, and Reorganization Plan No. 2 of 1977, to carry out international communication activities, including the purchase, installation, rent, construction, and improvement of facilities and equipment for radio and television transmission and reception to Cuba, $391,550,000, of which $30,000,000 shall remain available until expended, not to exceed $16,000 may be used for official receptions within the United States as authorized by section 804(3) of such Act of 1948 (22 U.S.C. 1747(3)), not to exceed $35,000 may be used for representation abroad as authorized by section 302 of such Act of 1948 (22 U.S.C. 1452) and section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085), and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, as authorized by section 810 of such Act of 1948 (22 U.S.C. 1475e), to remain available until expended for carrying out authorized purposes: *Provided*, That no funds shall be used for television broadcasting to Cuba after October 1, 1997, if the President certifies that continued funding is not in the national interest of the United States.

RADIO CONSTRUCTION

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by section 801 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471), $40,000,000, to remain available until expended, as authorized by section 704(a) of such Act of 1948 (22 U.S.C. 1477b(a)).

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democacy Act, $30,000,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCIES

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of 5 U.S.C.; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided,* That not to exceed 5 percent of any appropriation made available for the current fiscal year for the United States Information Agency in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further,* That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. (1) For purposes of implementing the International Cooperative Administrative Support Services program in fiscal year 1998, the amounts referred to in paragraph (2) shall be transferred in accordance with the provisions of section 404.

(2) Paragraph (1) applies to amounts made available by title IV of this Act under the heading ''ADMINISTRATION OF FOREIGN AFFAIRS'' as follows:

(A) $108,932,000 of the amount made available under the paragraph ''DIPLOMATIC AND CONSULAR PROGRAMS''.

(B) $3,530,000 of the amount made available under the paragraph ''SECURITY AND MAINTENANCE OF U.S. MISSIONS''.

SEC. 404. Funds transferred pursuant to section 403 shall be transferred to the specified appropriation, allocated to the specified account or accounts in the specified amount, be merged with funds in such account or accounts that are available for administrative support expenses of overseas activities, and be available for the same purposes, and subject to the same terms and conditions, as the funds with which merged, as follows:

(1) Appropriations for the Legislative Branch—

(A) for the Library of Congress, for salaries and expenses, $500,000; and

(B) for the General Accounting Office, for salaries and expenses, $12,000.

(2) Appropriations for the Office of the United States Trade Representative, for salaries and expenses, $302,000.

(3) Appropriations for the Department of Commerce, for the International Trade Administration, for operations and administration, $7,055,000;

(4) Appropriations for the Department of Justice—

(A) for legal activities—

(i) for general legal activities, for salaries and expenses, $194,000; and

(ii) for the United States Marshals Service, for salaries and expenses, $2,000;

(B) for the Federal Bureau of Investigation, for salaries and expenses, $2,477,000;

(C) for the Drug Enforcement Administration, for salaries and expenses, $6,356,000; and

(D) for the Immigration and Naturalization Service, for salaries and expenses, $1,313,000.

(5) Appropriations for the United States Information Agency, for international information programs, $25,047,000.

(6) Appropriations for the Arms Control and Disarmament Agency, for arms control and disarmament activities, $1,247,000.

(7) Appropriations to the President—

(A) for the Foreign Military Financing Program, for administrative costs, $6,660,000;

(B) for the Economic Support Fund, $336,000;

(C) for the Agency for International Development—

(i) for operating expenses, $6,008,000;

(ii) for the Urban and Environmental Credit Program, $54,000;

(iii) for the Development Assistance Fund, $124,000;

(iv) for the Development Fund for Africa, $526,000;

(v) for assistance for the new independent states of the former Soviet Union, $818,000;

(vi) for assistance for Eastern Europe and the Baltic States, $283,000; and

(vii) for international disaster assistance, $306,000;

(D) for the Peace Corps, $3,672,000; and

(E) for the Department of State—

(i) for international narcotics control $1,117,000; and

(ii) for migration and refugee assistance, $394,000.

(8) Appropriations for the Department of Defense—

(A) for operation and maintenance—

(i) for operation and maintenance, Army, $4,394,000;

(ii) for operation and maintenance, Navy, $1,824,000;

(iii) for operation and maintenance, Air Force, $1,603,000; and

(iv) for operation and maintenance, Defense-Wide, $21,993,000; and

(B) for procurement, for other procurement, Air Force, $4,211,000.

(9) Appropriations for the American Battle Monuments Commission, for salaries and expenses, $210,000.

(10) Appropriations for the Department of Agriculture—

(A) for the Animal and Plant Health Inspection Service, for salaries and expenses, $932,000;

(B) for the Foreign Agricultural Service and General Sales Manager, $4,521,000; and

(C) for the Agricultural Research Service, $16,000.

(11) Appropriations for the Department of Treasury—

(A) for the United States Customs Service, for salaries and expenses, $2,002,000;

(B) for departmental offices, for salaries and expenses, $804,000;

(C) for the Internal Revenue Service, for tax law enforcement, $662,000;

(D) for the Bureau of Alcohol, Tobacco, and Firearms, for salaries and expenses, $17,000;

(E) for the United States Secret Service, for salaries and expenses, $617,000; and

(F) for the Comptroller of the Currency, for assessment funds, $29,000.

(12) Appropriations for the Department of Transportation—

(A) for the Federal Aviation Administration, for operations, $1,594,000; and

(B) for the Coast Guard, for operating expenses, $65,000.

(13) Appropriations for the Department of Labor, for departmental management, for salaries and expenses, $58,000.

(14) Appropriations for the Department of Health and Human Services—

(A) for the National Institutes of Health, for the National Cancer Institute, $42,000;

(B) for the Office of the Secretary, for general departmental management, $71,000;

(C) for the Centers for Disease Control and Prevention, for disease control, research, and training, $522,000; and

(15) Appropriations for the Social Security Administration, for administrative expenses, $370,000.

(16) Appropriations for the Department of the Interior—

(A) for the United States Fish and Wildlife Service, for resource management, $12,000;

(B) for the United States Geological Survey, for surveys, investigations, and research, $80,000; and

(C) for the Bureau of Reclamation, for water and related resources, $101,000.

(17) Appropriations for the Department of Veterans Affairs, for departmental administration, for general operating expenses, $453,000.

(18) Appropriations for the National Aeronautics and Space Administration, for mission support, $183,000.

(19) Appropriations for the National Science Foundation, for research and related activities, $39,000.

(20) Appropriations for the Federal Emergency Management Agency, for salaries and expenses, $4,000.

(21) Appropriations for the Department of Energy—

(A) for departmental administration, $150,000; and

(B) for atomic energy defense activities, for other defense activities, $54,000.

(22) Appropriations for the Nuclear Regulatory Commission, for salaries and expenses, $26,000.

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title IV be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Are there amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES

(LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies, as authorized by the Merchant Marine Act, 1936, as amended, $51,030,000, to remain available until expended.

Mr. ABERCROMBIE. Mr. Chairman, I rise in support of the Miller language adopted into H.R. 2267, the Departments of Commerce, Justice and State Appropriations Bill. These instructions will set aside a small amount of funding for the Executive Office of U.S. Attorneys to provide assistance to the victims of human rights abuses in the Commonwealth of the Northern Marianas Islands.

Since at least 1984, Federal officials have expressed concern about the CNMI alien labor system. Worker complaints over wages and working conditions are continuing undiminished according to the third annual report of the ''Federal-CNMI Initiative''. The governments of the Philippines and China have expressed concern about the treatment of their citizens in this U.S. Commonwealth and allegations persist regarding the CNMI's inability to protect workers against crimes such as illegal recruitment, battery, rape, child labor, and forced prostitution.

Without Rep. MILLER's language in H.R. 2267, individuals who have been the subject of human rights abuses—right here in the United States—have only the charity of private relief organizations to rely upon for help. In Hawaii, the Filipino Solidarity Coalition is currently providing sanctuary to a young girl named ''Katrina'' who came to Hawaii as a government witness. When Katrina was 14 she was brought to the CNMI by an employer who promised her a good job and fair wages in the restaurant industry. When she arrived in the CNMI her hopes for a better life were destroyed. She discovered that the employer had lured her to the CNMI under false pretenses. Not only was she confined to her assigned living quarters but she was also forced into service as a prostitute. Katrina had few options and even less money but she escaped her confines and filed suit against her employer with the help of the local Philippine consulate. When Katrina's actions were revealed to her employer, her life was threatened. To escape the abusive situation, the consulate helped her to find refuge in Guam. However, Guam's close proximity to her former employer still put Katrina in a dangerous situation.

Through the help of the Filipino Solidarity Coalition, Katrina managed to escape to Hawaii where local donations and a small grant from the Department of Labor helped to provide her shelter, food, and further legal assistance. However, there are many others who remain in the CNMI still suffering the abuse and indignity that Katrina managed to escape. I appreciate the Chairman's support of the Miller language which will help those like Katrina who are victims of human rights abuse, not far away in a foreign country, but right here in the United States of America.

Ms. FURSE. Mr. Chairman, I rise in support of Congresswoman NORTON's amendment to remove the ban on use of federal funds for abortion services for women in federal prisons.

The United States has more people behind bars than any other country in the world. Every week in America, more than 1,000 become inmates and the largest rate of increase is among women.

Many of these women prisoners are victims of physical or sexual abuse and 6% of them are pregnant when they enter prison. These women are isolated from family and friends and almost certainly lose custody of their infants upon birth. Are these conditions under which we want to force women to bear children?

Abortion is a legal health care option for American women, and has been for over 20 years. Federal prisoners are totally dependent on health care services provided by the Bureau of Prisons. The ban on abortion services contained in this bill effectively prevents these women from seeking their Constitutionally-guaranteed right to choose.

The experience of women who are pregnant, behind bars, with no money or support from the outside and who are denied the right to terminate their pregnancy, is nothing short of cruel and unusual punishment. The anti-choice provision in this bill amounts to inherent coercion to force these women to take their pregnancies to term and, in the process, inflicts extreme emotional damage, pain and suffering.

This ban is another direct assault on women's rights. It is one more step in the long line of rollbacks on women's reproductive freedoms.

I urge you to support Congresswoman NORTON's amendment. We must do everything in our power to treat these women fairly and allow them to access their legally protected right to choose.

Mr. POSHARD. Mr. Chairman, I rise today to register my strong support of the funding in this bill for juvenile justice programs. H.R. 2267 provides almost $238 million for these critical programs, an amount which represents a significant increase over last year's funding level. It saddens me to say so, but such an increase is necessary merely to keep pace with the ever-increasing level of juvenile crime in this country. I find it deeply disturbing that 20 percent of the individuals arrested for violent crimes are below the age of 18, and I applaud my colleagues for recognizing the critical need for funds and programs to combat this staggering statistic.

We must recognize that any effective strategy for reducing juvenile crime should include several components. Law enforcement resources need to target violent and dangerous juvenile offenders, and these youth must know that criminal actions will be punished swiftly and severely. In addition, it has to be instilled in juveniles that they will be held responsible for their actions, whether that involves victim restitution, community service or other sanctions. Perhaps most importantly, local communities and federal and state governments must adopt creative and effective prevention and intervention programs. It is crucial to identify at-risk youth and devote significant resources to minimizing or counteracting the potential for those individuals to become juvenile offenders.

I would also like to commend the Committee on its inclusion of funding for drug prevention programs. Drug abuse proves all too often to be a precursor to further criminal activity, and more teenagers than ever before are experimenting with drugs. We must step up our efforts to demonstrate to America's youth that drug use is harmful, dangerous, and unattractive, not to mention illegal. I believe the $5 million provided in this bill for the development of drug prevention programs represents a meaningful and important step towards this goal.

Again, I wish to thank the members of the Committee for their close attention to juvenile justice, and for making these programs a priority. We are moving in the right direction, and I urge my colleagues to fully support the juvenile justice funding levels in this bill.

Mrs. MALONEY of New York. Mr. Chairman, I rise today in support of the Norton amendment. The ban on Federal funds for abortions for women in prison is one more step in a long line of rollbacks on women's reproductive freedoms. The Norton amendment seeks to correct one of the more shameful attacks on American women.

Despite clear legal authority establishing the right of American women to choose abortion as a viable health option, many women prisoners are denied equal access to choose whether or not to terminate their pregnancies. Federal prisoners must rely on the Bureau of Prisons for all of their health care, yet without this amendment women will be prevented from seeking needed reproductive health care.

Prisoners have a constitutional right to health care. Congress should not interfere with this right. It is too easy to attack women inmates, women who are often poor, uneducated, isolated, and beaten down; women who are often victims of physical or sexual abuse.

Most women prisoners are poor when they enter prison, and therefore cannot rely on anyone else for financial assistance. These women already face limited prenatal care, isolation from family and friends, a bleak future, and the certain loss of custody of the infant.

The ban on reproductive health services for women in prison cuts off their only opportunity to receive much needed care, it denies them their constitutional rights, but most importantly, it denies them their dignity. Mr. Chairman, we must stop this assault on women's right to choose. I urge my colleagues to support the Norton amendment.

Mr. BLUMENAUER. Mr. Chairman, I rise in opposition to myriad amendments to the Commerce, Justice, State and the judiciary appropriation bill to either dramatically reduce or eliminate funding for the Advanced Technology Program [ATP] at the Department of Commerce. High technology companies play a key role in preparing our communities for the 21st century, and the ATP is critical to those efforts.

The ATP program is one of the strongest links in the Government-industry partnership to enhance U.S. competitiveness in a global marketplace. The Government support provided through the ATP is especially critical for long-term, high-risk, pre-competitive initiatives where the initial investment will not be recovered for several or even decades. Without these essential technology programs, U.S. industries will be at a disadvantage to the rest of the world. The ATP provides the high technology industry with the ability to develop breakthrough technologies by allowing companies to close the gap between technology development and commercialization.

I find it ironic that the $185 million designated for the ATP is being characterized as corporate pork, particularly since the House recently voted to order $5 billion worth of new B–2 bombers from defense contractors—bombers that the Air Force, Joint Chiefs of Staff, and Commander in Chief all argued were unnecessary. If ordering five billion dollar's worth of unnecessary military equipment from defense contractors isn't corporate pork, I don't know what is. This is especially true given the fact that defense contractors don't kick any of their own money into the construction of a B–2, unlike those companies that participate in the ATP.

Mr. Chairman, high technology companies: are the engine of job creation in the United States and contribute to the overall well-being of the United States economy. Nationally, the number of high tech jobs increased 6 percent from 1993 to 1995. In Oregon alone over 10,000 new jobs were created from 1990 to 1995; provide the greatest number of high-paying and high-skilled jobs to Americans, Nationally, high technology companies provide over 4 million jobs and provide an average wage of about $47,000, well above the national median. In Oregon high technology workers were paid an average of $46,319 in 1995, 84 percent more than the average wage of all private sector workers in the State; and contribute to improving the balance of trade in relation to our major competitors. Nationally, U.S. exports exceeded $140 billion—about one-fourth of all U.S. exports, in 1995. In Oregon, high technology companies account for 46 percent of all State exports, for a total of $4.3 billion in sales.

The Federal Government should be doing all it can to improve our Nation's competitive outlook, and a strong high technology sector in the economy is critical to meeting that goal. By cutting or eliminating the ATP, we would remove an important tool that high technology companies use in partnership with the Federal Government to hasten the speed of technological progress and bring new products to the marketplace. It's these type of partnerships that drive economic success in communities across the country.

I urge my colleagues to oppose any attempts to reduce funds for the Advanced Technology Program.

Mr. CUMMINGS. Mr. Chairman, I rise in support of the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN] and the gentleman from Pennsylvania [Mr. FOX]. This amendment would increase funding for the Legal Services Corporation from $141 million to $250 million. I applaud both of my colleagues for their leadership on this issue.

Mr. Chairman, one of the cornerstones of our constitutional democracy is the premise that all citizens should have competent legal counsel in a criminal or civil justice matter. Nevertheless, the reduction in funding for the Legal Services Corporation in this bill undermines that premise.

Mr. Chairman, the Legal Services Corporation is a modest but vitally important and effective program that assists millions of needy families in gaining access to the civil justice system in cases relating to domestic violence, landlord-tenant disputes, consumer fraud, child support, and other legal matters.

This program is the only means of assuring that poor children, battered and abused spouses, the elderly, the disabled, migrant workers, and other low-income individuals have access to legal representation in civil cases.

Mr. Chairman, the Legal Services Corporation has provided affordable legal assistance to 5 million Americans in 1995 alone. Legal Services clients are as diverse as our Nation, encompassing all races and ethnic groups and ages. Older Americans represent 11 percent of the clients serviced by legal services programs. Over two-thirds of legal services clients are women, most of whom are mothers with children. For children living in poverty, a parent's access to legal services can prove to be the difference in securing support fro an absent parent, obtaining a decent home in which to live, or receiving equal and fair access to educational opportunities.

Mr. Chairman, the representation of women and children who are victims of domestic violence has always been a high priority for the Legal Services Corporation and its grantees. In 1996, local programs closed 50,000 cases in which the primary legal issue was the representation of women seeking protection from abuse.

In my home State of Maryland, while costs and demands on the law have augmented, funding for general civil legal services has fallen by over 30 percent. In 1996, because of reduced funding levels, legal aid offices in the State of Maryland have closed. Currently, the Legal Services Corporation only has the capacity to serve less than 25 percent of the eligible population.

Mr. Chairman, by reducing funding, the Congress will continue to tell battered women in our Nation that they have no legal refuge against abuse, the elderly that their right to legal resources has been eliminated, and defrauded consumers that no legal protections exist. The words, as emblazoned on the Supreme Court Building, ''equal justice under law,'' would not apply to all if funding were to be cut for this program.

Mr. Chairman, I practiced law for 20 years. As a lawyer, I was one of 130,000 volunteer lawyers registered to participate in pro bono legal services, encouraged by the Legal Services Corporation. During my service, I discovered that our civil justice system does belong to the rich and powerful in our Nation. Rare is the day when poor Americans receive equitable treatment.

Mr. Chairman, by increasing funding for the Legal Services Corporation, we will send a powerful message to the American people that our civil justice system does not belong just to the wealthy and privileged in our Nation; it belongs to all citizens. I, therefore, urge my colleagues to vote in support of this amendment.

To conclude, I thank the gentleman from West Virginia [Mr. MOLLOHAN] and the gentleman from Pennsylvania [Mr. FOX], for their leadership on this issue.

Mr. ROGERS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. SMITH of New Jersey) having assumed the chair, Mr. HASTINGS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2267), making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, had come to no resolution thereon.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2203, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1998

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the managers on the part of the House may have until midnight tonight, Thursday, September 25, 1997, to file a conference report on the bill (H.R. 2203), making appropriations for energy and water development for the fiscal year 1998, and for other purposes.

The SPEAKER pro tempore (Mr. SMITH of New Jersey). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

NATIONAL EMERGENCY WITH RESPECT TO ANGOLA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–135)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

I hereby report to the Congress on the developments since my last report of April 4, 1997, concerning the national emergency with respect to Angola that was declared in Executive Order 12865 of September 26, 1993. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

On September 26, 1993, I declared a national emergency with respect to the National Union for the Total Independence of Angola (''UNITA''), invoking the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) and the United Nations Participation Act of 1945 (22 U.S.C. 287c). Consistent with United Nations Security Council Resolution 864, dated September 15, 1993, the order prohibited the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to the territory of Angola other than through designated points of entry. The order also prohibited such sale or supply to UNITA. United States persons are prohibited from activities that promote or are calculated to promote such sales or supplies, or from attempted violations, or from evasion or avoidance or transactions that have the purpose of evasion or avoidance of the stated prohibitions. The order authorized the Secretary of the Treasury, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, as might be necessary to carry out the purposes of the order.

1. On December 10, 1993, the Treasury Department's Office of Foreign Assets Control (OFAC) issued the UNITA (Angola) Sanctions Regulations (the ''Regulations'') (58 *Fed. Reg.* 64904) to implement my declaration of a national emergency and imposition of sanctions against UNITA. The Regulations prohibit the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to UNITA or to the territory of Angola other than through designated points of entry. United States persons are also prohibited from activities that promote or are calculated to promote such sales or supplies to UNITA or Angola, or from any transaction by any United States persons that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in the Executive order. Also prohibited are transactions by United States persons, or involving the use of U.S.-registered vessels or aircraft, relating to transportation to Angola or UNITA of goods the exportation of which is prohibited.

The Government of Angola has designated the following points of entry as points in Angola to which the articles otherwise prohibited by the Regulations may be shipped: *Airports*: Luanda and Katumbela, Benguela Province; *Ports*: Luanda and Lobito, Benuela Province; and Namibe, Namibe Province; and *Entry Points*: Malongo, Cabinda Province. Although no specific license is required by the Department of the Treasury for shipments to these designated points of entry (unless the item is destined for UNITA), any such exports remain subject to the licensing requirements of the Departments of State and/or Commerce.

There has been one amendment to the Regulations since my report of April 3, 1997. The UNITA (Angola) Sanctions Regulations, 31 CFR Part 590, were amended on August 25, 1997. General reporting, recordkeeping, licensing, and other procedural regulations were moved from the Regulations to a separate part (31 CFR Part 501) dealing solely with such procedural matters. (62 *Fed. Reg.* 45098, August 25, 1997). A copy of the amendment is attached.

2. The OFAC has worked closely with the U.S. financial community to assure a heightened awareness of the sanctions against UNITA—through the dissemination of publications, seminars, and notices to electronic bulletin boards. This educational effort has resulted in frequent calls from banks to assure that they are not routing funds in violation of these prohibitions. United States exporters have also been notified of the sanctions through a variety of media, including via the Internet, Fax-on-Demand, special fliers, and computer bulletin board information initiated by OFAC and posted through the U.S. Department of Commerce and the U.S. Government Printing Office. There have been no license applications under the program since my last report.

3. The expenses incurred by the Federal Government in the 6-month period from March 26, 1997, through September 25, 1997, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to UNITA are approximately $50,000, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel) and the Department of State (particularly the Office of Southern African Affairs).

I will continue to report periodically to the Congress on significant developments, pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 24, 1997.*

APPOINTMENT OF MEMBER TO LIBRARY OF CONGRESS TRUST FUND BOARD

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 1 of 2 USC 154, as amended by section 1 of Public Law 102–246, the Chair announces the Speaker's appointment of the following Member on the part of the House to the Library of Congress Trust Fund Board:

Mr. Wayne Berman of the District of Columbia to fill the existing vacancy thereon.

LET JUSTICE PREVAIL

(Mr. BARR of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. BARR of Georgia. Madam Speaker, the difference between the Department of Justice of 1957 and 1997 could not be more starkly realized than looking at these tremendously important and positive images of a struggle for civil rights 40 years ago in which the United States Department of Justice was leading the way to uphold our laws, and the Department of Justice of 1997 which has become known as the stonewalling capital of the capital.

Madam Speaker, there are some of those that say because the Attorney General recently took the tiny step for the Department of Justice and that giant, giant tiny step for the Department of Justice, that we ought to say, wonderful, the Attorney General has decided to decide to decide whether to appoint a special prosecutor.

Madam Speaker, I join the New York Times, which, on September 14, called on the Attorney General to step aside and let justice prevail today as it did in 1957.

Madam Speaker, the New York Times editorial is as follows:

[From the New York Times, September 14, 1997]

THE PROSECUTOR GAME

The torrent of disclosures of political fundraising abuses by the Democrats last year has no doubt had a numbing effect on many Americans. But if ordinary citizens find it hard to keep track of the shady characters, bank transfers and memos suggesting that Vice President Gore and others knew what they say they did not know, the justice Department, has no excuse. Recent weeks have brought fresh evidence that the department's investigators are either lethargic or over their heads. Even worse, Attorney General Janet Reno's failure to seek an independent counsel to oversee the probe no longer looks like a principled assertion of faith in Justice's career staff. It looks like a political blocking operation to protect President Clinton and Mr. Gore from the vigorous investigation that would be aimed at any other officeholder who had received so much suspicious money.

Earlier this month, Ms. Reno was warned by Republicans in the House that ''the mood in Congress to remove you from office grows daily.'' That is a drastic step we are not quite ready to endorse. But the Congressional frustration is understandable in light

of recent developments. It is hard to fathom, for example, why Justice Department investigators were so clearly taken by surprise when it turned out that the Democratic Party had engaged in a systematic scheme of juggling its books, transferring money from one account to another in possible violation of the law. Had the investigators been doing their job, they would have also discovered months ago that the basis for Ms. Reno's repeatedly saying that there were no credible allegations of wrongdoing against Vice President Al Gore was flat wrong.

After disclosures in the press that the Democrats mixed campaign accounts that are supposed to be rigidly separate, Ms. Reno abruptly announced that her department would actively consider asking for a special counsel to take over the case. But there really is no need for delay in recognizing the obvious. Moreover, it would be a political subterfuge to limit the special counsel to Mr. Gore. His boss has earned one, too.

The first order of business ought to be fixing responsibility for the Democrats' fundraising abuses, not simply the shuffling of accounts but whether there were any quid pro quos for all those donors and whether anyone in a major responsibility knew of the laundering of money and illegal transfers of funds from foreign sources. Among the highest priorities, in addition, is determining whether Mr. Gore violated Federal laws by soliciting money from big donors from his office at the White House.

There may be a temptation among Democrats and others to suggest that bookkeeping violations are inconsequential. But that would be a fundamental misreading of the issue. The reasons go back to the reforms that followed the biggest political scandal in modern American history.

Watergate led to two historic changes in American politics. First was the establishment of a process in which the Attorney General may seek the appointment of a special prosecutor, which later became known as an independent counsel, to investigate cases against top Administration officials. In 1993 when the statute was renewed, Ms. Reno herself affirmed the importance of being able to turn to an outside counsel to avoid ''an inherent conflict of interest'' when the Attorney General, an appointee of the President, must oversee an investigation that could damage the Administration politically. She is burdened by that conflict today.

Watergate also produced limits on campaign contributions that were flagrantly violated last year. Since 1974, it has been illegal for an individual to contribute more than $1,000 to a Federal candidate per election or more than $20,000 per year to a political party for candidates election expenses. Individuals may not give more than $25,000 in such contributions a year for all candidates and parties put together. These strictly limited contributions that are used for direct candidate support are called ''hard money.'' Federal election law separates hard gifts from the unlimited ''soft money'' that can be given to the party for their operating and promotion efforts. Last week we learned that the Democratic National Committee routinely deposited soft money in its hard money or candidate accounts without informing the donors. Although some of the money was later shifted to other accounts, it is clear that the D.N.C. was casual about one of the law's most basic distinctions.

Ms. Reno's primary duty is to uphold the laws on the books. But her Democratic loyalty seems to flow toward those bearing endless legalistic explanations as to why the laws either do not mean what they say or can be ignored with impunity. She should step aside and let someone with a less partisan view of law enforcement take over the crucial task of investigating the White House money flow.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. EWING] is recognized for 5 minutes.

[Mr. EWING addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Montana [Mr. HILL] is recognized for 5 minutes.

[Mr. HILL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HORN] is recognized for 5 minutes.

[Mr. HORN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. DIAZ-BALART] is recognized for 5 minutes.

[Mr. DIAZ-BALART addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MANZULLO] is recognized for 5 minutes.

[Mr. MANZULLO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ROGAN (at the request of Mr. ARMEY), for today, on account of illness.

Mr. COLLINS (at the request of Mr. ARMEY), for today, after 1 p.m. and the balance of the week, on account of a death in the family.

Mr. LAZIO of New York (at the request of Mr. ARMEY), for today, after 2:30 p.m., on account of illness in the family.

Mr. YOUNG of Alaska (at the request of Mr. ARMEY), for today, after 6 p.m., on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. MORELLA) to revise and extend their remarks and include extraneous material:)

Mr. HORN, for 5 minutes, today.

Mr. DIAZ-BALART, for 5 minutes, today.

Mr. MANZULLO, for 5 minutes, today.

Mr. JONES, for 5 minutes, on September 29.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MOLLOHAN) and to include extraneous matter:)

Mr. KANJORSKI.
Mr. MATSUI.
Mr. CLAY.
Mr. MORAN.
Mr. MILLER of California.
Mr. POSHARD.
Mr. TORRES.
Ms. Christian-Green.
Mr. FILNER.
Mr. UNDERWOOD.
Mr. CLEMENT.
Mr. LIPINSKI.
Mr. STARK.
Mr. SHERMAN.
Mr. MARTINEZ.
Ms. Velázquez.

(The following Members (at the request of Mrs. MORELLA) and to include extraneous matter:)

Mr. GOODLING.
Mr. WALSH,.
Mr. WOLF.
Mr. CASTLE.
Mr. MCCOLLUM.
Mr. PAPPAS.
Mr. DAVIS of Virginia.
Mr. GILMAN.
Mr. WATTS of Oklahoma.
Mr. RILEY.
Mrs. MORELLA.
Mr. PORTER.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 542. An act to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel FAR HORIZONS; to the Committee on Transportation and Infrastructure.

S. 662. An act to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel VORTICE; to the Committee on Transportation and Infrastructure.

S. 880. An act to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel DUSKEN IV; to the Committee on Transportation and Infrastructure.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that

committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2209. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1998, and for other purposes.

H.R. 2443. An act to designate the Federal building located at 601 Fourth Street, NW., in the District of Columbia, as the ''Federal Bureau of Investigation, Washington Field Office Memorial Building'', in honor of William H. Christian, Jr., Martha Dixon Martinez, Michael J. Miller, Anthony Palmisiano, and Edwin R. Woodriffe.

H.R. 2248. An act to authorize the President to award a gold medal on behalf of the Congress to Ecumenical Patriarch Bartholomew in recognition of his outstanding and enduring contributions toward religious understanding and peace, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following title:

On September 24, 1997:

H.R. 111. An act to provide for the conveyance of a parcel of unused agricultural land in Dos Palos, California, to the Dos Palos Ag Boosters for use as a farm school.

On September 25 1997:

H.R. 2443. An act to designate the Federal Building located at 601 Fourth Street, NW., in the District of Columbia, as the ''Federal Bureau of Investigation, Washington Field Office Memorial Building'', in honor of William H. Christian, Jr., Martha Dixon Martinez, Michael J. Miller, Anthony Palmisiano, and Edwin R. Woodriffe.

H.R. 2248, An act authorize the President to award a gold medal on behalf of the Congress to Ecumenical Patriarch Bartholomew in recognition of his outstanding and enduring contributions toward religious understanding and peace, and for other purposes.

H.R. 2209, An act making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes.

ADJOURNMENT

Mrs. MORELLA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Friday, September 26, 1997, at 9 a.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 2516. A bill to extend the Intermodal Surface Transportation Efficiency Act of 1991 through March 31, 1998; with an amendment (Rept. 105–270). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on the Judiciary. H.R. 1313. A bill for the relief of Nancy B. Wilson (Rept. 105–269). Referred to the Committee of the Whole House.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of Rule X the following action was taken by the Speaker:

H.R. 695. Referral to the Committee on Commerce extended for a period ending not later than September 29, 1997.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. MORELLA:

H.R. 2544. A bill to improve the ability of Federal agencies to license federally owned inventions; to the Committee on Science, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio (for himself, Mr. BALDACCI, Mr. BONIOR, Ms. CHRISTIAN-GREEN, Mr. CONYERS, Mr. DELLUMS, Mr. ENSIGN, Mr. FILNER, Mr. FLAKE, Mr. FROST, Mr. HILLIARD, Ms. JACKSON-LEE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK, Mr. MCDERMOTT, Mr. MCNULTY, Mr. MURTHA, Mr. NADLER, Ms. NORTON, Mr. NORWOOD, Mr. OLVER, Mr. PASCRELL, Mr. SAXTON, Mr. STEARNS, Mr. UNDERWOOD, Mr. FOX of Pennsylvania, Mr. EVANS, Mr. LANTOS, and Mr. FAZIO of California):

H.R. 2545. A bill to amend title 39, United States Code, to allow postal patrons to contribute to funding for prostate cancer research through the voluntary purchase of certain specially issued United States postage stamps; to the Committee on Government Reform and Oversight.

By Mr. CLAY (for himself and Mr. KILDEE):

H.R. 2546. A bill to amend the Higher Education Act of 1965 to make college more affordable and accessible; to the Committee on Education and the Workforce.

By Mr. FARR of California (for himself, Mr. SAXTON, Mr. ABERCROMBIE, Mr. MILLER of California, Mr. GILCHREST, Mr. PALLONE, Mr. BROWN of California, Mr. GOSS, Mr. KENNEDY of Rhode Island, and Mr. ORTIZ):

H.R. 2547. A bill to develop and maintain a coordinated, comprehensive, and long-range national policy with respect to ocean and coastal activities that will assist the Nation in meeting specified objectives, and for other purposes; to the Committee on Resources.

By Mr. FILNER:

H.R. 2548. A bill to curtail illegal immigration through increased enforcement of the employer sanctions provisions in the Immigration and Nationality Act and related laws; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts:

H.R. 2549. A bill to amend title II of the Social Security Act to restrict the application of the windfall elimination provision to individuals whose combined monthly income from benefits under such title and other monthly periodic payments exceeds $2,000 and to provide for a graduated implementation of such provision on amounts above such $2,000 amount; to the Committee on Ways and Means.

By Mr. KLECZKA:

H.R. 2550. A bill to adjust the rules for deducting military separation pay amounts from veterans' disability compensation; to the Committee on National Security.

By Mr. LAFALCE (for himself, Mr. HOUGHTON, Mr. BARCIA of Michigan, and Mr. OBERSTAR):

H.R. 2551. A bill to amend the Immigration and Nationality Act to authorize the Attorney General to eliminate the fee associated with the issuance of an I–68 landing permit; to the Committee on the Judiciary.

By Mr. MCCOLLUM (for himself and Mr. BACHUS):

H.R. 2552. A bill to amend the requirements in the Federal Credit Union Act relating to audit requirements and supervisory committee oversight of insured credit unions, and for other purposes; to the Committee on Banking and Financial Services.

By Mrs. MORELLA (for herself, Mr. ALLEN, Mr. DAVIS of Illinois, Ms. CHRISTIAN-GREEN, Mr. SANDLIN, Mr. OLVER, Mr. FROST, Ms. RIVERS, Mr. KENNEDY of Rhode Island, and Mr. MCGOVERN):

H.R. 2553. A bill to amend the Internal Revenue Code of 1986 to make the dependent care credit refundable, and for other purposes; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 2554. A bill to prohibit discrimination on the basis of certain factors with respect to any aspect of a surety bond transaction; to the Committee on the Judiciary.

By Mr. PALLONE (for himself, Mr. JONES, Mr. HINCHEY, Mr. SMITH of New Jersey, Mr. PAYNE, Mr. NADLER, Mr. GEJDENSON, and Ms. DELAURO):

H.R. 2555. A bill to prohibit the Department of the Interior from expending any funds for a mid-Atlantic coast offshore oil and gas lease sale; to the Committee on Resources.

By Mr. SAXTON:

H.R. 2556. A bill to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act; to the Committee on Resources.

By Mr. STARK:

H.R. 2557. A bill to provide for the removal of abandoned vessels; to the Committee on Transportation and Infrastructure.

By Mr. STARK:

H.R. 2558. A bill to amend title XVIII of the Social Security Act to provide for payment for hospital outpatient department services equal to payment rates established for similar services provided outside the hospital setting; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 2559. A bill to amend title XVIII of the Social Security Act to limit the ability of hospitals to treat noncontiguous facilities as hospital outpatient departments; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a

period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON:

H.R. 2560. A bill to award congressional gold medals to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred to collectively as the ''Little Rock Nine'' on the occasion of the 40th anniversary of the integration of Central High School in Little Rock, Arkansas; to the Committee on Banking and Financial Services.

By Mr. WELDON of Florida:

H.R. 2561. A bill to provide low-income children educational opportunities; to the Committee on Education and the Workforce.

By Mrs. CHENOWETH (for herself, Mr. BARTLETT of Maryland, and Mr. HALL of Texas):

H. Con. Res. 158. Concurrent resolution condemning the deployment of United States military personnel in the service of the United Nations in the former Yugoslav Republic of Macedonia; to the Committee on International Relations, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LIPINSKI (for himself, Mr. PAYNE, Mr. MEEHAN, Mr. UNDERWOOD, Mr. BLAGOJEVICH, Mr. POSHARD, Mr. WATTS of Oklahoma, Mr. HORN, Mr. ANDREWS, Mrs. MALONEY of New York, Mr. MCGOVERN, Mr. MARKEY, Mr. GUTIERREZ, Mrs. KELLY, Mr. BONIOR, Mr. STEARNS, Mr. DOYLE, Mr. JOHNSON of Wisconsin, Mr. LATOURETTE, Mr. HOLDEN, Mr. DAVIS of Virginia, Mrs. KENNELLY of Connecticut, Mr. MANTON, Mr. GEJDENSON, Mr. NEAL of Massachusetts, Mr. PALLONE, Mr. DEFAZIO, Mr. KENNEDY of Rhode Island, Ms. SLAUGHTER, and Mr. RIGGS):

H. Con. Res. 159. Concurrent resolution honoring the memory of the victims of the Great Irish Potato Famine, and for other purposes; to the Committee on International Relations.

By Mr. THOMAS:

H. Res. 244. Resolution demanding that the Office of the United States Attorney for the Central District of California file criminal charges against Hermandad Mexicana Nacional for failure to comply with a valid subpoena under the Federal Contested Elections Act; to the Committee on House Oversight, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROYCE (for himself, Mr. SMITH of New Jersey, Mr. MENENDEZ, and Mr. PAYNE):

H. Res. 245. Resolution expressing the sense of the House of Representatives in support of a free and fair referendum on self-determination for the people of Western Sahara; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 26: Mr. NEY, Mr. SMITH of Michigan, and Mr. HEFLEY.

H.R. 38: Mr. HEFLEY.

H.R. 44: Mr. RANGEL, Mr. ABERCROMBIE, Mr. ENSIGN, Mr. NEY, and Mr. PETERSON of Pennsylvania.

H.R. 45: Mr. EVANS.

H.R. 59: Mr. HALL of Texas, Mr. CRANE, and Mr. PORTER.

H.R. 65: Mr. SOUDER.

H.R. 135: Mr. THOMPSON.

H.R. 146: Mr. MANTON and Mr. GOODE.

H.R. 303: Mr. LEACH and Mr. PETERSON of Pennsylvania.

H.R. 453: Mr. BROWN of California, Mr. SMITH of New Jersey, Mr. OLVER, Mr. BLUMENAUER, Mr. CONYERS, and Mr. TIERNEY.

H.R. 600: Mr. SAWYER, Ms. STABENOW, Mr. JOHN, Mr. BERRY, Mr. PETERSON of Minnesota, Mr. BECERRA, Mr. TANNER, Mr. SCOTT, Mr. DIXON, Mr. MARTINEZ, Mr. LANTOS, Mr. NEAL of Massachusetts, Mr. RODRIGUEZ, Mr. CONDIT, Mr. MCHALE, Mr. HINOJOSA, Mr. REYES, Mr. OBERSTAR, Ms. KAPTUR, Mr. ORTIZ, Mr. STOKES, Mr. CUMMINGS, Mr. MENENDEZ, and Mr. LEWIS of Georgia.

H.R. 621: Ms. WOOLSEY.

H.R. 627: Mr. DAN SCHAEFER of Colorado.

H.R. 628: Mr. ANDREWS, Mr. HILLIARD, Mrs. LOWEY, Mr. HAYWORTH, Mr. NEY, Mr. MCNULTY, and Mr. CALVERT.

H.R. 687: Mr. BONIOR and Mr. VISCLOSKY.

H.R. 715: Mr. PACKARD.

H.R. 754: Mr. MORAN of Virginia.

H.R. 758: Mr. STENHOLM, Mr. MCINNIS, and Mr. LARGENT.

H.R. 774: Mr. CAPPS.

H.R. 789: Mr. BOB SCHAFFER.

H.R. 815: Mr. HAYWORTH and Mr. VISCLOSKY.

H.R. 859: Mr. PASTOR.

H.R. 991: Mr. BARRETT of Wisconsin and Mr. STUPAK.

H.R. 1009: Mr. HEFLEY.

H.R. 1010: Mr. SNOWBARGER.

H.R. 1023: Mr. ADERHOLT.

H.R. 1025: Ms. DELAURO and Ms. HARMAN.

H.R. 1031: Mr. DEAL of Georgia.

H.R. 1114: Mr. FORD, Mr. ANDREWS, Mr. BACHUS, Mr. LEWIS of Georgia, Mr. WATKINS, Mr. CUMMINGS, Mrs. KENNELLY of Connecticut, Mr. MCHALE, Mr. PARKER, Mr. SOLOMON, Ms. BROWN of Florida, Mr. GIBBONS, Mr. VENTO, Mr. FOLEY, and Mr. PICKERING.

H.R. 1147: Mr. HILLEARY.

H.R. 1151: Mr. RANGEL, Mr. MANTON, and Mr. RUSH.

H.R. 1161: Mr. ENGLISH of Pennsylvania.

H.R. 1234: Mr. BONIOR.

H.R. 1450: Mr. HINOJOSA and Ms. SLAUGHTER.

H.R. 1481: Mr. GILCHREST.

H.R. 1595: Mr. CALVERT, Mr. HAYWORTH, Mr. SKEEN, and Mr. STUMP.

H.R. 1608: Mr. PETERSON of Pennsylvania, Mr. PASTOR, Mr. GILMAN, Mr. PASCRELL, Mr. BLILEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LIPINSKI, and Mr. MARTINEZ.

H.R. 1625: Mr. HASTERT, Mr. BONO, Mr. GALLEGLY, Mr. ROHRABACHER, and Mr. TALENT.

H.R. 1823: Mr. NEY, Mr. KENNEDY of Rhode Island, and Mr. THOMPSON.

H.R. 1842: Mr. SHADEGG.

H.R. 1870: Mr. WATT of North Carolina, Mr. RUSH, and Mr. STRICKLAND.

H.R. 1909: Mr. TALENT.

H.R. 1951: Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. LOWEY, Mr. HEFNER, and Mr. EDWARDS.

H.R. 2013: Mr. KENNEDY of Rhode Island.

H.R. 2023: Mr. COSTELLO

H.R. 2121: Mr. RUSH.

H.R. 2129: Mr. MCKEON and Mr. GUTIERREZ.

H.R. 2163: Mr. LINDER.

H.R. 2195: Mr. LANTOS.

H.R. 2228: Ms. WOOLSEY and Mr. TIERNEY.

H.R. 2232: Ms. PELOSI.

H.R. 2257: Mr. FILNER, Mr. POMEROY, Mr. KUCINICH, and Mr. SANDERS.

H.R. 2348: Mr. MATSUI, Mr. RAHALL, Mr. FALEOMAVAEGA, and Mr. FROST.

H.R. 2349: Mr. DEFAZIO, Mr. FROST, Mr. MCGOVERN, Mr. RAHALL, Mr. PASTOR, and Mr. BONIOR.

H.R. 2400: Mr. BOEHLERT, Mr. BORSKI, Mr. COBLE, Mr. LIPINSKI, Mr. DUNCAN, Mr. WISE, Mr. EWING, Mr. TRAFICANT, Mr. GILCHREST, Mr. DEFAZIO, Mr. HORN, Mr. CLEMENT, Mr. FRANKS of New Jersey, Mr. COSTELLO, Mr. MICA, Mr. POSHARD, Mr. QUINN, Mr. CRAMER, Mrs. FOWLER, Ms. NORTON, Mr. EHLERS, Mr. NADLER, Mr. BACHUS, Ms. DANNER, Mr. LATOURETTE, Mr. MENENDEZ, Mrs. KELLY, Mr. CLYBURN, Mr. BAKER, Ms. BROWN of Florida, Mr. BASS, Mr. BARCIA of Michigan, Mr. NEY, Mr. FILNER, Mr. METCALF, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. EMERSON, Mr. MASCARA, Mr. PEASE, Mr. BLUMENAUER, Mr. BLUNT, Mr. SANDLIN, Mr. PITTS, Mr. PASCRELL, Mr. HUTCHINSON, Mr. JOHNSON of Wisconsin, Mr. COOK, Mr. BOSWELL, Mr. COOKSEY, Mr. HOLDEN, Mr. PICKERING, Mr. LAMPSON, Ms. GRANGER, Mr. FOX of Pennsylvania, Mr. LOBIONDO, Mr. WATTS of Oklahoma, Mr. MORAN of Kansas, Mr. ACKERMAN, Mr. ANDREWS, Mr. BEREUTER, Mr. BLAGOJEVICH, Mr. BONIOR, Mr. BURTON of Indiana, Mr. CAMP, Mr. CONYERS, Mr. DINGELL, Mr. FALEOMAVAEGA, Mr. FORBES, Mr. FROST, Mr. GEKAS, Mr. GORDON, Mr. HINCHEY, Ms. HOOLEY of Oregon, Mr. HOUGHTON, Mr. KILDEE, Ms. KILPATRICK, Mr. KING of New York, Mr. LAFALCE, Mr. LEVIN, Mr. LEWIS of California, Mr. MANZULLO, Mr. MCHUGH, Mr. MCNULTY, Mr. PALLONE, Mr. PAYNE, Mr. PETERSON of Pennsylvania, Ms. RIVERS, Mr. ROTHMAN, Mrs. ROUKEMA, Mr. SCHUMER, Mr. SHIMKUS, Mr. SMITH of New Jersey, Ms. STABENOW, Mr. STRICKLAND, Mr. STUPAK, Mr. TOWNS, Mr. UPTON, Mr. WELLER, Mr. MANTON, Ms. SLAUGHTER, Mr. SMITH of Michigan, Ms. VELAZQUEZ, and Mr. WALSH.

H.R. 2422: Mr. FROST, Mr. OLVER, Mr. BOUCHER, and Mrs. MINK of Hawaii.

H.R. 2439: Mr. KLUG.

H.R. 2449: Mr. MCCOLLUM, Mr. CUNNINGHAM, Mr. CANNON, Mr. BAKER, Mr. BEREUTER, Mr. KASICH, and Mr. WELDON of Florida.

H.R. 2453: Mr. HORN, Ms. SLAUGHTER, Mrs. MINK of Hawaii, Mr. WATT of North Carolina, Mr. SNYDER, Ms. WATERS, and Mr. QUINN.

H.R. 2456: Mr. SKEEN.

H.R. 2457: Mrs. MYRICK.

H.R. 2481: Mr. BEREUTER, Mr. MCNULTY, Mr. POMEROY, Mr. MANTON, Mr. TOWNS, Mr. CONYERS, and Mr. STRICKLAND.

H.R. 2483: Mr. DELAY, Mr. SOLOMON, Mr. JONES, Mr. BLILEY, Mrs. MYRICK, Mr. HOEKSTRA, Mr. PARKER, Mr. KASICH, Mr. MICA, Mr. BARTON of Texas, Mr. NORWOOD, Mr. PICKERING, Mr. ROHRABACHER, Mr. RILEY, Mr. BILBRAY, Mr. SNOWBARGER, Mr. HASTERT, Mr. LEWIS of Kentucky, and Mr. DOOLITTLE.

H.R. 2489: Mr. NEY, Mr. KLUG, Mr. RUSH, Mr. CRAPO, Mr. LEWIS of Kentucky, Mr. ADAM SMITH of Washington, Mr. MCHUGH, and Mr. JACKSON.

H.R. 2492: Mr. ENGLISH of Pennsylvania.

H. Con. Res. 19: Mr. LEVIN.

H. Con. Res. 80: Mr. DEUTSCH, Mr. COSTELLO, Mr. SNYDER, Mr. SISISKY, Mr. SABO, and Ms. MILLENDER-MCDONALD.

H. Con. Res. 127: Mr. STRICKLAND.

H. Res. 16: Mr. ENGLISH of Pennsylvania.

H. Res. 139: Mr. ENSIGN, Mr. CONDIT, and Mr. PETERSON of Minnesota.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 901

OFFERED BY: MR. ABERCROMBIE

AMENDMENT NO. 1: On page 10 of the bill, after line 8, insert the following:

''(d) Subsection (b) shall not apply to Hawaiian Islands Biosphere Reserve.''

H.R. 901

OFFERED BY: MR. BROWN OF CALIFORNIA

AMENDMENT NO. 2: Strike page 8, line 21, through page 9, line 16, and insert the following:

''SEC. 403. (a) No Federal official may nominate any lands in the United States for designation as a United States Biosphere Reserve under the Man and the Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization, except in accordance with this section.

''(b) Any designation on or before the date of enactment of the American Land Sovereignty Protection Act of lands in the United States as a United States Biosphere Reserve under the Man and the Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization shall not have, and shall not be given, any force or effect, unless the proposed United States Biosphere Reserve is determined by the Secretary of State—

''(1) to include—

''(A) little-disturbed areas of natural habitat that are reasonably expected to remain so because of protection or management under any law or regulation in effect before the date of that designation; and

''(B) managed use areas;

''(2) to be suitable to serve as a model of outstanding stewardship fostering a harmonious relationship between human activities and the conservation of natural resources; and

''(3) to have been nominated for designation by each person that holds title to the lands, or in the case of public lands, by the governmental authority administering the lands, after local public comment has been obtained and considered.

''(c) The Secretary of State, or governmental authority administering the nominated lands, shall use appropriate means to publicize nationally the nomination of lands for designation as a United States Biosphere Reserve.

''(d) Designation of lands as a United States Biosphere Reserve shall not convey any additional protections or use restrictions to included lands, or impose any obligations on third parties, including private parties, nor shall it impose any restrictions or requirements on private rights or private property land uses within the lands or adjacent to the lands. Recognition as a United States Biosphere Reserve shall in no way affect United States sovereignty over lands.

11(e)(1) For all designations on or before the date of enactment of the American Land Sovereignty Protection Act of lands in the United States as a United States Biosphere Reserve, the Secretary of State shall transmit to the Congress determinations made under subsection (b) of this section within 90 days after the date of enactment of the American Land Sovereignty Protection Act.

''(2) Upon receiving any new nomination for designation of lands as a United States Biosphere Reserve after the date of enactment of the American Land Sovereignty Protection Act, the Secretary of State, after determining that the requirements of subsection (b)(1) through (4) have been met, shall transmit to the Congress the information received with respect to the nomination. No lands shall be designated as a United States Biosphere Reserve until at least 90 days have passed after the transmittal of information with respect to those lands under this paragraph.

Page 9, line 17, redesignate subsection (c) as subsection (f).

H.R. 901

OFFERED BY: MS. CHRISTIAN-GREEN

AMENDMENT NO. 3: On page 10 of the bill, after line 8, insert the following:

''(d) Subsection (b) shall not apply to Virgin Islands Biosphere Reserve.''

H.R. 901

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 4: On page 10 of the bill, after line 8, insert the following:

''(d) Subsection (b) shall not apply to Three Sisters Biosphere Reserve or H.J. Andrews Biosphere Reserve.''

H.R. 901

OFFERED BY: MR. FARR OF CALIFORNIA

AMENDMENT NO. 5: On page 10 of the bill, after line 8, insert the following:

''(d) Subsection (b) shall not apply to California Coastal Ranges Biosphere Reserve.''

H.R. 901

OFFERED BY: MR. FARR OF CALIFORNIA

AMENDMENT NO. 6: On page 10 of the bill, after line 8, insert the following:

''(d) Subsection (b) shall not apply to Central California Coastal Biosphere Reserve.''

H.R. 901

OFFERED BY: MR. FARR OF CALIFORNIA

AMENDMENT NO. 7: On page 10 of the bill, after line 8, insert the following

''(d) Subsection (b) shall not apply to Sequoia-King Canyon Biosphere Reserve.''

H.R. 901

OFFERED BY: MR. FARR OF CALIFORNIA

AMENDMENT NO. 8: On page 10 of the bill, after line 8, insert the following

''(d) Subsection (b) shall not apply to Channel Islands Biosphere Reserve.''

H.R. 901

OFFERED BY: MR. FARR OF CALIFORNIA

AMENDMENT NO. 9: On page 10 of the bill, after line 8, insert the following

''(d) Subsection (b) shall not apply to Mojave and Colorado Deserts Biosphere Reserve.''

H.R. 901

OFFERED BY: MR. FARR OF CALIFORNIA

AMENDMENT NO. 10: On page 10 of the bill, after line 8, insert the following

''(d) Subsection (b) shall not apply to Golden Gate Biosphere Reserve.''

H.R. 901

OFFERED BY: MR. FARR OF CALIFORNIA

AMENDMENT NO. 11: Page 11, strike line 7 and all that follows down through line 13.

Page 11, line 14, strike ''(e)'' and insert ''(d)''.

H.R. 901

OFFERED BY: MR. HINCHEY

AMENDMENT NO. 12: On page 10 of the bill, after line 8, insert the following:

''(d) Subsection (b) shall not apply to Champlain-Adirondack Biosphere Reserve.''

H.R. 901

OFFERED BY: MR. HINCHEY

AMENDMENT NO. 13: On page 10 of the bill, after line 8, insert the following:

''(d) Subsection (b) shall not apply to Mammoth Cave Area Biosphere Reserve.''

H.R. 901

OFFERED BY: MR. HINCHEY

AMENDMENT NO. 14: On page 10 of the bill, after line 8, insert the following:

''(d) Subsection (b) shall not apply to Rocky Mountain Biosphere Reserve.''

H.R. 901

OFFERED BY: MR. HINCHEY

AMENDMENT NO. 15: On page 10 of the bill, after line 8, insert the following:

''(d) Subsection (b) shall not apply to South Atlantic Coastal Plain Biosphere Reserve.''

H.R. 901

OFFERED BY: MR. KILDEE

AMENDMENT NO. 16: On page 10 of the bill, after line 8, insert the following:

''(d) Subsection (b) shall not apply to Isle Royale Biosphere Reserve.''

H.R. 901

OFFERED BY: MR. KILDEE

AMENDMENT NO. 17: On page 10 of the bill, after line 8, insert the following:

''(d) Subsection (b) shall not apply to University of Michigan Biosphere Reserve.''

H.R. 901

OFFERED BY: MR. PALLONE

AMENDMENT NO. 18: On page 10 of the bill, after line 8, insert the following:

''(d) Subsection (b) shall not apply to New Jersey Pinelands Biosphere Reserve.''

H.R. 901

OFFERED BY: MR. VENTO

AMENDMENT NO. 19: On page 10 of the bill, after line 8, insert the following:

''(d) Subsection (b) shall not apply to Aleutian Islands Biosphere Reserve.''

H.R. 901

OFFERED BY: MR. VENTO

AMENDMENT NO. 20: On page 10 of the bill, after line 8, insert the following:

''(d) Subsection (b) shall not apply to Big Bend Biosphere Reserve.''

H.R. 901

OFFERED BY: MR. VENTO

AMENDMENT NO. 21: On page 10 of the bill, after line 8, insert the following:

''(d) Subsection (b) shall not apply to Denali Biosphere Reserve.''

H.R. 901

OFFERED BY: MR. VENTO

AMENDMENT NO. 22: On page 10 of the bill, after line 8, insert the following:

'' ''(d) Subsection (b) shall not apply to Everglades Biosphere Reserve.'' ''

H.R. 901

OFFERED BY: MR. VENTO

AMENDMENT NO. 23: On page 10 of the bill, after line 8, insert the following:

'' ''(d) Subsection (b) shall not apply to Glacier Bay—Admiralty Island Biosphere Reserve.'' ''

H.R. 901

OFFERED BY: MR. VENTO

AMENDMENT NO. 24: On page 10 of the bill, after line 8, insert the following:

'' ''(d) Subsection (b) shall not apply to Glacier Biosphere Reserve.'' ''

H.R. 901

OFFERED BY: MR. VENTO

AMENDMENT NO. 25: On page 10 of the bill, after line 8, insert the following:

'' ''(d) Subsection (b) shall not apply to Noatak Biosphere Reserve.'' ''

H.R. 901

OFFERED BY: MR. VENTO

AMENDMENT NO. 26: On page 10 of the bill, after line 8, insert the following:

'' ''(d) Subsection (b) shall not apply to Yellowstone Biosphere Reserve.'' ''

H.R. 901

OFFERED BY: MR. VENTO

AMENDMENT NO. 27: On page 11 of the bill—

(1) on line 10, strike ''and'';

(2) on line 13, strike the period and insert instead ''; and''; and

(3) after line 13, insert the following:

'' ''(3) sites nominated under the Convention on Wetlands of International Importance Especially as Waterfowl Habitat (popularly known as the Ramsar Convention).'' ''

H.R. 2267

OFFERED BY: MR. FOX OF PENNSYLVANIA

AMENDMENT NO. 63: Page 117, after line 2, insert the following new section:

SEC. 617. None of the funds appropriated or otherwise made available by this Act may be

obligated or expended, directly or indirectly, to make any payment to, provide any financial assistance to, or enter into any contract with, the Palestine Broadcasting Corporation, any affiliate or successor agency of such corporation, or any individual employed by or representing such corporation.

H.R. 2267

OFFERED BY: MR. SAXTON

AMENDMENT NO. 64: Page 50, line 13, after the dollar amount insert ''(reduced by $10,000)''.

Page 50, line 23, after the dollar amount insert ''(reduced by $10,000)''.

Page 51, line 11, after the second dollar amount insert ''(reduced by $10,000)''.

Page 51, line 13, after the dollar amount insert ''(reduced by $10,000)''.

Page 51, line 17, after the dollar amount insert ''(reduced by $10,000)''.

H.R. 2267

OFFERED BY: MR. WHITFIELD

AMENDMENT NO. 65: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 617. None of the funds appropriated or otherwise made available by this Act may be used to deport any person who has filed a visa application or other petition with the Immigration and Naturalization Service and is serving as a licensed physician in a federally designated health professionals shortage area as determined by the Department of Health and Human Services.

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PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

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Senate

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, the Reverend Charles Nestor, Manassas Assembly of God, Manassas, VA. We are pleased to have you with us.

PRAYER

The guest Chaplain, Rev. Charles Nestor, Manassas Assembly of God, Manassas, VA, offered the following prayer:

Let us pray.

Almighty and Holy God, we bow before You, recognizing Your lordship over us and Your loving kindness toward us. Thank You for Your faithfulness in spite of our faults, Your mercy and grace in times of disobedience to You, and Your generous provision always. You have blessed our Nation by bringing together the gifts of a diverse people and the benefits of individuality. We ask that You aid us in our continued quest to become one out of many. Remind us always of our deep dependence upon You and forgive us when in arrogance we forget You. May He who rises with healing in his wings bring healing to us and strengthen our conviction to love each other even as You have loved us. I ask You to grant wisdom to the men and women who labor for all of us in the Senate. May they know power beyond their limitations, as they put their trust in You. Teach us to understand that the greatest among us is servant to all. May this day find the embrace of Your constant presence and the smile of Your approval upon it. In the name that is above every name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from North Carolina, is recognized.

Mr. FAIRCLOTH. Thank you, Mr. President.

SCHEDULE

Mr. FAIRCLOTH. Mr. President, today the Senate will resume consideration of S. 1156, the D.C. appropriations bill. Under the previous order, the Senate will debate the Coats amendment No. 1249, regarding school vouchers, from 12 noon until 5 p.m. As a reminder to all Members, a cloture motion was filed last night on the Coats amendment, with the cloture vote scheduled to occur Tuesday, September 30 at 11 a.m. Following the debate on the Coats amendment, it is expected that the Senate will continue debating amendments to the D.C. appropriations bill throughout the evening. As Members are aware, this is the last of 13 appropriations bills that the Senate will consider. Therefore, all Members' cooperation is appreciated in notifying the managers of their intention to offer any amendments. We would like to have those as early as possible. In addition, the Senate may consider any appropriate conference reports as they become available. I thank all Members for their attention.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Oklahoma.

OKLAHOMA CITY NATIONAL MEMORIAL ACT OF 1997

Mr. NICKLES. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on (S. 871) to establish the Oklahoma City National Memorial as a unit of the National Park System; to designate the Oklahoma City Memorial Trust, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 871) entitled ''An Act to establish the Oklahoma City National Memorial as a unit of the National Park System; to designate the Oklahoma City Memorial Trust, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Oklahoma City National Memorial Act of 1997''.

SEC. 2. FINDINGS AND PURPOSES.

Congress finds that—

(1) few events in the past quarter-century have rocked Americans' perception of themselves and their institutions, and brought together the people of our Nation with greater intensity than the April 19, 1995, bombing of the Alfred P. Murrah Federal Building in downtown Oklahoma City;

(2) the resulting deaths of 168 people, some of whom were children, immediately touched thousands of family members whose lives will forever bear scars of having those precious to them taken away so brutally;

(3) suffering with such families are countless survivors, including children, who struggle not only with the suffering around them, but their own physical and emotional injuries and with shaping a life beyond April 19;

(4) such losses and struggles are personal and, since they resulted from so public an attack, they are also shared with a community, a Nation, and the world;

(5) the story of the bombing does not stop with the attack itself or with the many losses it caused. The responses of Oklahoma's public servants and private citizens, and those from throughout the Nation, remain as a testament to the sense of unity, compassion, even heroism, that characterized the rescue and recovery following the bombing;

(6) during the days immediately following the Oklahoma City bombing, Americans and people from around the world of all races, political philosophies, religions and walks of life responded with unprecedented solidarity and selflessness; and

(7) given the national and international impact and reaction, the Federal character of the site of the bombing, and the significant percentage of the victims and survivors who were Federal employees the Oklahoma City Memorial will be established, designed, managed and maintained to educate present and future generations, through a public/private partnership, to work together efficiently and respectfully in developing a National Memorial relating to all aspects of the April 19, 1995, bombing in Oklahoma City.

SEC. 3. DEFINITIONS.

In this Act—

(1) MEMORIAL.—The term ''Memorial'' means the Oklahoma City National Memorial designated under section 4(a).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) TRUST.—The term ''Trust'' means the Oklahoma City National Memorial Trust designated under section 5(a).

SEC. 4. OKLAHOMA CITY NATIONAL MEMORIAL.

(a) In order to preserve for the benefit and inspiration of the people of the United States and the world, as a National Memorial certain lands located in Oklahoma City, Oklahoma, there is established as a unit of the National Park System the Oklahoma City National Memorial. The Memorial shall be administered by the Trust in cooperation with the Secretary and in accordance with the provisions of this Act, the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).

(b) The Memorial area shall be comprised of the lands, facilities and structures generally depicted on the map entitled ''Oklahoma City National Memorial'', numbered OCNM 001, and dated May 1997 (hereafter referred to in this Act as the ''map''):

(1) Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Trust.

(2) After advising the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives, in writing, the Trust, as established by section 5 of this Act, in consultation with the Secretary, may make minor revisions of the boundaries of the Memorial when necessary by publication of a revised drawing or other boundary description in the Federal Register.

SEC. 5. OKLAHOMA CITY NATIONAL MEMORIAL TRUST.

(a) ESTABLISHMENT.—There is established a wholly owned Government corporation to be known as the Oklahoma City National Memorial Trust.

(b) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The powers and management of the Trust shall be vested in a board of Directors (hereinafter referred to as the ''Board'') consisting of the following 9 members:

(A) The Secretary or the Secretary's designee.

(B) Eight individuals, appointed by the President, from a list of recommendations submitted by the Governor of the State of Oklahoma; and a list of recommendations submitted by the Mayor of Oklahoma City, Oklahoma; and a list of recommendations submitted by the United States Senators from Oklahoma; and a list of recommendations submitted by United States Representatives from Oklahoma. The President shall make the appointments referred to in this subparagraph within 90 days after the enactment of this Act.

(2) TERMS.—Members of the Board appointed under paragraph (1)(B) shall each serve for a term of 4 years, except that of the members first appointed, 2 shall serve for a term of 3 years; and 2 shall serve a term of 2 years. Any vacancy in the Board shall be filled in the same manner in which the original appointment was made, and any member appointed to fill a vacancy shall serve for the remainder of that term for which his or her predecessor was appointed. No appointed member may serve more than 8 years in consecutive terms.

(3) QUORUM.—Five members of the Board shall constitute a quorum for the conduct of business by the Board.

(4) ORGANIZATION AND COMPENSATION.—The Board shall organize itself in such a manner as it deems most appropriate to effectively carry out the authorized activities of the Trust. Board members shall serve without pay, but may be reimbursed for the actual and necessary travel and subsistence expenses incurred by them in the performance of the duties of the Trust.

(5) LIABILITY OF DIRECTORS.—Members of the Board of Directors shall not be considered Federal employees by virtue of their membership on the Board, except for purposes of the Federal Tort Claims Act and the Ethics in Government Act, and the provisions of chapter 11 of title 18, United States Code.

(6) MEETINGS.—The Board shall meet at least three times per year in Oklahoma City, Oklahoma and at least two of those meetings shall be opened to the public. Upon a majority vote, the Board may close any other meetings to the public. The Board shall establish procedures for providing public information and opportunities for public comment regarding operations maintenance and management of the Memorial; as well as, policy, planning and design issues.

(7) STAFF.—

(A) NON-NATIONAL PARK SERVICE STAFF.—The Trust is authorized to appoint and fix the compensation and duties of an executive director and such other officers and employees as it deems necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may pay them without regard to the provisions of chapter 51, and subchapter III of chapter 53, title 5, United States Code, relating to classification and General Schedule pay rates.

(B) INTERIM PARK SERVICE STAFF.—At the request of the Trust, the Secretary shall provide for a period not to exceed 2 years, such personnel and technical expertise, as necessary, to provide assistance in the implementation of the provisions of this Act.

(C) PARK SERVICE STAFF.—At the request of the Trust, the Secretary shall provide such uniformed personnel, on a reimbursable basis, to carry out day-to-day visitor service programs.

(D) OTHER FEDERAL EMPLOYEES.—At the request of the Trust, the Director of any other Federal agency may provide such personnel, on a reimbursable basis, to carry out day-to-day visitor service programs.

(8) NECESSARY POWERS.—The Trust shall have all necessary and proper powers for the exercise of the authorities vested in it.

(9) TAXES.—The Trust and all properties administered by the Trust shall be exempt from all taxes and special assessments of every kind by the State of Oklahoma, and its political subdivisions including the county of Oklahoma and the city of Oklahoma City.

(10) GOVERNMENT CORPORATION.—

(A) The Trust shall be treated as a wholly owned Government corporation subject to chapter 91 of title 31, United States Code (commonly referred to as the Government Corporation Control Act). Financial statements of the Trust shall be audited annually in accordance with section 9105 of title 31 of the United States Code.

(B) At the end of each calendar year, the Trust shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives a comprehensive and detailed report of its operations, activities, and accomplishments for the prior fiscal year. The report also shall include a section that describes in general terms the Trust's goals for the current fiscal year.

SEC. 6. DUTIES AND AUTHORITIES OF THE TRUST.

(a) OVERALL REQUIREMENTS OF THE TRUST.—The Trust shall administer the operation, maintenance, management and interpretation of the Memorial including, but not limited to, leasing, rehabilitation, repair and improvement of property within the Memorial under its administrative jurisdiction using the authorities provided in this section, which shall be exercised in accordance with—

(1) the provisions of law generally applicable to units of the National Park Service, including: ''An Act to establish a National Park Service, and for other purposes'' approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4);

(2) the Act of August 21, 1935 (49 Stat. 666; U.S.C. 461–467;

(3) the general objectives of the ''Memorial Mission Statement'', adopted March 26, 1996, by the Oklahoma City Memorial Foundation;

(4) the ''Oklahoma City Memorial Foundation Intergovernmental Letter of Understanding'', dated October 28, 1996; and

(5) the Cooperative Agreement to be entered into between the Trust and the Secretary pursuant to this Act.

(b) AUTHORITIES.—

(1) The Trust may participate in the development of programs and activities at the properties designated by the map, and the Trust shall have the authority to negotiate and enter into such agreements, leases, contracts and other arrangements with any person, firm, association, organization, corporation or governmental entity, including, without limitation, entities of Federal, State and local governments as are necessary and appropriate to carry out its authorized activities. Any such agreements may be entered into without regard to section 321 of the Act of June 30, 1932 (40 U.S.C. 303b).

(2) The Trust shall establish procedures for lease agreements and other agreements for use and occupancy of Memorial facilities, including a requirement that in entering into such agreements the Trust shall obtain reasonable competition.

(3) The Trust may not dispose of or convey fee title to any real property transferred to it under this Act.

(4) Federal laws and regulations governing procurement by Federal agencies shall not apply to the Trust, with the exception of laws and regulations related to Federal Government contracts governing working conditions, and any civil rights provisions otherwise applicable thereto.

(5) The Trust, in consultation with the Administrator of Federal Procurement Policy, shall establish and promulgate procedures applicable to the Trust's procurement of goods and services including, but not limited to, the award of contracts on the basis of contractor qualifications, price, commercially reasonable buying practices, and reasonable competition.

(c) MANAGEMENT PROGRAM.—Within one year after the enactment of this Act, the Trust, in consultation with the Secretary, shall develop a cooperative agreement for management of those lands, operations and facilities within the Memorial established by this Act. In furtherance of the general purposes of this Act, the Secretary and the Trust shall enter into a Cooperative Agreement pursuant to which the Secretary shall provide technical assistance for the planning, preservation, maintenance, management, and interpretation of the Memorial. The Secretary also shall provide such maintenance, interpretation, curatorial management, and general management as mutually agreed to by the Secretary and the Trust.

(d) DONATIONS.—The Trust may solicit and accept donations of funds, property, supplies, or services from individuals, foundations, corporations, and other private or public entities for the purposes of carrying out its duties.

(e) PROCEEDS.—Notwithstanding section 1341 of title 31 of the United States Code, all proceeds received by the Trust shall be retained by the Trust, and such proceeds shall be available, without further appropriation, for the administration, operation, preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to Memorial properties under its administrative jurisdiction. The Secretary of the Treasury, at the option of the Trust shall invest excess monies of the Trust in public debt securities which shall bear interest at rates determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturity.

(f) SUITS.—The Trust may sue and be sued in its own name to the same extent as the Federal

Government. Litigation arising out of the activities of the Trust shall be conducted by the Attorney General; except that the Trust may retain private attorneys to provide advice and counsel. The District Court for the Western District of Oklahoma shall have exclusive jurisdiction over any suit filed against the Trust.

(g) BYLAWS, RULES AND REGULATIONS.—The Trust may adopt, amend, repeal, and enforce bylaws, rules and regulations governing the manner in which its business may be conducted and the powers vested in it may be exercised. The Trust is authorized, in consultation with the Secretary, to adopt and to enforce those rules and regulations that are applicable to the operation of the National Park System and that may be necessary and appropriate to carry out its duties and responsibilities under this Act. The Trust shall give notice of the adoption of such rules and regulations by publication in the Federal Register.

(h) INSURANCE.—The Trust shall require that all leaseholders and contractors procure proper insurance against any loss in connection with properties under lease or contract, or the authorized activities granted in such lease or contract, as is reasonable and customary.

SEC. 7. LIMITATIONS ON FUNDING.

Authorization of Appropriations—

(1) IN GENERAL.—In furtherance of the purposes of this Act, there is hereby authorized the sum of $5,000,000, to remain available until expended.

(2) MATCHING REQUIREMENT.—Amounts appropriated in any fiscal year to carry out the provisions of this Act may only be expended on a matching basis in a ratio of at least one non-Federal dollar to every Federal dollar. For the purposes of this provision, each non-Federal dollar donated to the Trust or to the Oklahoma City Memorial Foundation for the creation, maintenance, or operation of the Memorial shall satisfy the matching dollar requirement without regard to the fiscal year in which such donation is made.

SEC. 8. ALFRED P. MURRAH FEDERAL BUILDING.

Prior to the construction of the Memorial the Administrator of General Services shall, among other actions, exchange, sell, lease, donate, or otherwise dispose of the site of the Alfred P. Murrah Federal Building, or a portion thereof, to the Trust. Any such disposal shall not be subject to—

(1) the Public Buildings Act of 1959 (40 U.S.C. 601 et seq.);

(2) the Federal Property and Administrative Services Act of 1949 (40 U.S.C. et seq.); or

(3) any other Federal law establishing requirements or procedures for the disposal of Federal property.

SEC. 9. GENERAL ACCOUNTING OFFICE STUDY.

Six years after the first meeting of the Board of Directors of the Trust, the General Accounting Office shall conduct an interim study of the activities of the Trust and shall report the results of the study to the Committee on Energy and Natural Resources and the Committee on Appropriations of the United States Senate, and the Committee on Resources and Committee on Appropriations of the House of Representatives. The study shall include, but shall not be limited to, details of how the Trust is meeting its obligations under this Act.

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, on behalf of myself and the cosponsor of this legislation, Senator INHOFE, the legislation we passed today, S. 871, the Oklahoma City National Memorial Act of 1997, will create a permanent Memorial to commemorate the national tragedy ingrained in all of our minds that occurred in downtown Oklahoma City at 9:02 a.m. on April 19, 1995, in which 168 Americans lost their lives and countless thousands more lost family members and friends.

The Oklahoma City memorial, established as a unit of the National Park Service, will serve as a monument to those whose lives were taken and those who will bear the physical and mental scars for the rest of their days. The memorial will stand as a symbol to the hope, generosity, and courage shown by Oklahomans and fellow Americans across the country following the Oklahoma City bombing. This will be a place of remembrance, peace, spirituality, comfort and learning.

The National Park Service memorial site will encompass the footprint of the Alfred P. Murrah Federal Building, 5th Street between Robinson and Harvey, the site of the Water Resources Building and the Journal Record Building. An international competition was held to determine the design of the Oklahoma City National Memorial, and I commend the Oklahoma City Memorial Foundation for an excellent selection of the winning design.

In addition to designating the memorial site as a unit of the National Park Service, this bill also establishes a wholly owned Government corporation to be known as the Oklahoma City National Memorial Trust. The trust, in cooperation with the National Park Service, will be charged with administering the operation, maintenance, management and interpretation of the memorial site.

Further, the legislation authorizes a one-time $5 million Federal donation for construction and maintenance of the memorial. I commend the hard work of my colleagues, Senator GORTON and Senator BYRD, for their help in securing a $5 million Federal appropriation in this year's appropriations bill. The $5 million Federal commitment will be matched by $5 million from the Oklahoma State Legislature and $14 million in private donations.

While the thousands of family members and friends of those killed in the bombing will forever bear scars of having their loved ones taken away, the Oklahoma City National Memorial will revere the memory of the survivors and those lost and venerate the bonds that drew us all closer together as a result.

Mr. President, while it is impossible to recognize everyone whose hard work and effort made this memorial possible, I submit for the RECORD a list of individuals who formed the core of the Memorial Design Foundation. In addition, I would commend and extend particular appreciation to Gov. Frank Keating; his wife, Kathy Keating; Oklahoma City mayor Ron Norick; Mr. Bob Johnson, director of the Oklahoma City Memorial Foundation, charged with selecting the design for the memorial; vice chairman Karen Luke; Mr. Tom McDaniel; Mr. Zach Taylor; Mr. Bud Welch; Oklahoma City Fire Chief Gary Marrs; Mrs. Polly Nichols; Mr. Don Ferrell; Mr. Don Rogers; Mr. Richard Williams; and all others who worked hard to make this memorial possible. Our country is, indeed, proud of you, and I am very confident that our country will be proud of the Oklahoma City National Memorial.

I also compliment and thank my colleague, Representative FRANK LUCAS, for his leadership in passing this in the House of Representatives, as well as my colleague, JIM INHOFE, who worked with me in putting this legislation together.

Mr. President, I ask unanimous consent that a list of the Oklahoma City Memorial Board of Directors be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

OKLAHOMA CITY MEMORIAL BOARD OF DIRECTORS

Ann Alspaugh, Anita Arnold, Clark Bailey, Dr. Edward Brandt, Ron Bradshaw, Terry Childers, John Cole, Richard Denman, Tiana Douglas, Jeanette Gamba, Gerald L. Gamble.

Dr. Kay Goebel, Kathi Goebel, Kevin Gotshall, Jean Gumerson, Frank D. Hill, LeAnn Jenkins, Kirk Jewell, Robert M. Johnson, Doris Jones, Kim Jones-Shelton.

Jackie L. Jones, Barbara Kerrick, Linda Lambert, Sam Armstrong-Lopez, Karen Luke, Deborah Ferrell-Lynn, Thomas J. McDaniel, Sunni Mercer, Leslie Nance, Polly Nichols.

Tim O'Connor, Dr. Betty Pfefferbaum, H.E. (Gene) Rainbolt, John Rex, Florence Rogers, Chris Salyer, Lee Allan Smith, Phyllis Stough, Zach D. Taylor, Phillip Thompson.

Toby Thompson, Beth Tolbert, Tom Toperzer, III, Kathleen Treanor, Be V Tu, Cheryl Vaught, Bud Welch, G. Rainey Williams, Richard Williams, Kathy Wyche, Sydney W. Dobson.

Mr. INHOFE. Mr. President, I am pleased that the Senate has seen fit to pass the Oklahoma City National Memorial Act of 1997 (S. 871). I believe this was an important piece of legislation and one deserving immediate enactment. Once again, I would like to thank my colleague, Senator NICKLES, for being the originating and driving force behind this piece of legislation in the Senate and Representative LUCAS for shepherding through similar legislation in the House.

Earlier, when we considered this bill, we were given the opportunity and the responsibility of remembering a unique group of American heroes. To most, these individuals are nameless, faceless victims of a savage terrorist attack. However, to friends and family of the victims they are remembered as far more. They are remembered as husbands, wives, and children. It was important for the rest of us to recognize the lives of these men, women, and children in their proper context.

The 168 individuals who were killed during this cowardly attack, as well as those who were fortunate to survive, deserve our honor and utmost respect. It is fitting that the memorial was designed to honor them both in an appropriate and visible way. The victims of the bombing represent the true backbone of America. Their lives serve as a

testament to what this country is, what it can be, and what will be. As heroes, they will be honored. As individuals, they will be missed, mourned, and remembered as the true embodiment of our great American spirit.

In addition to the immediate victims of the bombing, we have also recognized the law enforcement officials, the emergency rescue personnel, and the countless volunteers who rushed to our aid in our moment of crisis. The proposed memorial's acknowledgment of not only the victims, but the others involved in the rescue process, was artfully done to remind all of us that we are part of a nation that cares and responds to those in need.

The establishment of the memorial is not only appropriate but an important tool for teaching future generations of Americans what we are all about—coming together. It is also a reminder to us that the price of our freedom is eternal vigilance against those who would rob us of our sense of security through acts of terrorism.

Throughout the entire legislative process, I was pleased to note the extent of involvement by the survivors and the families of those who tragically lost their lives, as well as the larger community. This type of cooperation is not only indicative of how Oklahomans get things done, but will result in a Memorial that is aesthetically designed and truly meaningful to all those who will visit the site for generations to come.

In closing, I would like to thank my colleagues for recognizing the importance of this legislation and giving it their immediate attention. We can all be proud we will now have a suitable memorial to honor the lives of the men, women, and children killed in the bombing.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

Mr. NICKLES. Will the Senator withhold for a moment?

Mr. FAIRCLOTH. Excuse me.

The PRESIDING OFFICER. If the Senator will withhold. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I would like to make sure we have taken final action on S. 871.

The PRESIDING OFFICER. We have taken final action.

Mr. NICKLES. I thank my colleague from North Carolina for his patience, as well as my colleague from Indiana for setting aside some time to pass this legislation. This is very important legislation to the people of Oklahoma and I think to our country as well.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. I thank the Senator from Oklahoma, and I thank the Chair.

(The remarks of Mr. FAIRCLOTH pertaining to the introduction of S. 1219 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. SMITH of Oregon. Mr. President, with the permission of the Senator from Indiana, I ask unanimous consent to speak as in morning business. I will take a couple minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of Oregon. I thank the Chair and the Senator from Indiana, Senator COATS.

FREEDOM OF RELIGION IN RUSSIA

Mr. SMITH of Oregon. Mr. President, I wanted to come to the Senate floor this morning and talk about a development in Russia that is of concern to this body because of the action we took earlier this summer.

Earlier in the year the Russian Duma passed a law which would reintegrate a Stalinist system when it comes to freedom of conscience, freedom of religion. Four religions: Judaism, Buddhism, the Russian Orthodox Church, and Islam were identified as sanctioned by the Russian Federation, but left out all Protestant religions, the Catholic religion, and any other minority faith that is currently operating there according to international treaty and according to Russian law, previous Russian law and the Russian Constitution.

These new groups would be treated in minority fashion, in that they could not own property, they could not operate schools, have missionaries there, publish Bibles or distribute them or employ people. They would be required to get rid of bank accounts and to register with the state. What I am describing is a huge setback for Russia, back into Stalinist times. And so, this body took very courageous action. It voted 95 to 4 to withhold foreign aid to Russia, should this be enacted. I was delighted after we did that, that President Boris Yeltsin was good to his word and vetoed that legislation. After that, however, he participated in a compromise bill, which an honest reading would tell a person is of no difference.

The upper house of the Duma, yesterday, passed compromise legislation. The President is expected to sign it, and unfortunately, the worst things that could happen to religion in Russia could still happen. There is reason to believe that the Russian Government will implement this law differently than it is actually written. It is for this reason that I have worked with Senator MITCH MCCONNELL, and other members of the Foreign Operations Subcommittee, to modify our bill in a small, but significant way. The word ''enact'' will be changed in conference to ''implement'' in order to give the Russian leaders some latitude in interpreting this legislation. The foreign operations bill language will now allow the Russian Government 6 months to enact the new legislation in a manner that will not discriminate against minority religions before a decision is made to withhold foreign aid.

I come to the floor today to plead with my colleagues to support this language. I would tell you that the people we represent would not be amused by our inaction or our unwillingness to do something. This isn't about trade, this isn't about freedom of contract, this is about taking tax dollars from the American people and giving them to a government that is reimposing Stalinist restrictions. Imagine going to a townhall in your State, or mine in Oregon, and talking to Catholics who are watching the spectacle of their church being removed from Russia—and then trying to explain why Russia should get American tax dollars as foreign aid.

I thank the Chair for this time. I thank my colleague again from Indiana. I yield back the balance of my time.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1156, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1156) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Coats amendment No. 1249, to provide scholarship assistance for District of Columbia elementary and secondary school students.

Wyden amendment No. 1250, to establish that it is the standing order of the Senate that a Senator who objects to a motion or matter shall disclose the objection in the CONGRESSIONAL RECORD.

AMENDMENT NO. 1249

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of amendment No. 1249 with the time until 5 p.m. equally divided and controlled in the usual form.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, we will now for about the next 5 hours be discussing an issue that I believe is important to every Member of the U.S. Senate and important to this country and important to the future of education.

The amendment is titled the ''District of Columbia Student Opportunity Scholarship'' amendment. It is being offered by myself and Senator LIEBERMAN from Connecticut. We will be presenting the case for this amendment to our colleagues who we trust they will be listening carefully to what is said, and I think the important debate that will ensue as a result of our offering this amendment.

The amendment is fairly basic. It provides opportunity scholarships for children in grades K through 12 for District of Columbia residents whose family incomes are below 185 percent of the

poverty level. Scholarships may be used to pay tuition costs at a public or private school in the District of Columbia and in adjacent counties in Maryland and Virginia.

Scholarships are also available under this amendment for tutoring assistance for students who attend public schools within the District.

We establish a District of Columbia scholarship corporation that will determine how the money is distributed.

Student eligibility goes to those, as I said, whose family incomes are 185 percent or below of the poverty line. For those at or below the poverty line, these scholarships can total $3,200. For those who are between the poverty line and 185 percent of that, they can receive the lesser of 75 percent of the cost of tuition and monetary funds and transportation to attend an eligible institution of up to $2,400. The tuition scholarship is also available for tutoring in amounts up to $500 for students who stay in D.C. public schools.

The election process is designed to not discriminate in any way. All eligible applicants will be considered. If there are more applicants than scholarships available selection will be on a random basis.

The funding in no way takes one penny out of funds available for D.C. public schools. In fact, the $7 million in spending for fiscal year 1998 comes out of the Federal contribution to the District of Columbia that is earmarked for deficit reduction. That total contribution—$30 million more than the President requested—we will deduct $7 million out of that. So no, the District is not denied any funds, schools are not denied any funds. This is taken out of a fund that was added by Congress in addition to the President's budget.

Mr. President, there is one unavoidable fact at the center of the school choice debate. When education collapses, it is generally not the middle-class children who suffer the most. Their parents, in response to that collapse, have already chosen other private schools, other public schools or moved to the suburbs or away from that particular school, leaving only the low-income, often minority children, in these dysfunctional, often drug- and crime-infested institutions, with little pretense of learning or educational opportunity.

We have seen this happen in large cities across our country—in Philadelphia, New York, Detroit, and others. We have seen it happen around us. Every day as we meet here in the Capitol, every day surrounding us in the District of Columbia, our Capital City, we see this happening with tragic results.

The D.C. public school system spends more money per pupil than any other district in America. I am going to be repeating that phrase. The District of Columbia public school system spends more money per pupil than any other school district in America.

In 1996, 12 percent of the classrooms in the District of Columbia did not have textbooks at the beginning of the year and 20 percent lacked adequate supplies. The D.C. public school system spends more money per pupil than any other district in America, and yet 65 percent of all D.C. public school-children test below their grade level. And 56 percent who take the Armed Forces qualification test—one of the few ways out of poverty in America for low-income students—56 percent who take the Armed Forces qualification test fail.

The D.C. public school system spends more money per pupil than any other district in America, yet only about 50 percent of education spending—that money that is available in the District of Columbia—goes toward instruction.

The system has 1 administrator for every 16 teachers while the national average is 1 administrator for every 42 teachers. That fact alone gives us an explanation as to one of the primary reasons for the failure of D.C. students, mostly minority students, to learn in the D.C. school system—a bureaucracy which consumes an extraordinary amount of money, over 50 percent of education funding in the District.

The D.C. public school system spends more money per pupil than any other district in America, and two-thirds of the teachers report that violent student behavior is a serious obstacle to teaching. And 16 percent of students report carrying a weapon to school. Over 1 in 10 avoid school because they fear for their safety.

It is safe to say, Mr. President, that if these results were found in suburban schools, the education reform movement would more closely resemble the French Revolution. But because these children are powerless and distant from our experience, because of the color of their skin and the size of their parents' bank accounts, we seem content to debate and delay help for those students.

We are content to promise reforms that never arrive. There is a price for our patience, a cost to our inertia, measured in squandered potential and stolen hope, measured by the advance of rage or retreat into apathy.

PRIVILEGE OF THE FLOOR

Mr. President, at this point I would like to offer a UC that I omitted to offer earlier. I ask unanimous consent that Brent Orrell, my legislative director, who has been very instrumental in putting all this together be granted floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. Mr. President, Gen. Julius Becton has been charged with reforming education in the District. He deserves our support. But by his own estimates, it will take 5 or 10 years to test his approaches. Similar changes have been promised by five new superintendents in the last 15 years.

I suspect that many District parents are skeptical. I believe they have every right to be. Put yourself for a moment into their shoes. What good does it do a parent who fears for the current safety and future prospects of their 13-year-old child to wait 10 more years for the results of public school reform? By admitting that public school reform in the District will be accomplished in decades, we are saying that the sacrifice of a generation of students is unavoidable.

But what if that child were our child? What if that child was the child or the grandchild of a Member of this body who was assigned to a school where physical attacks and robberies and drug sales are rampant, where education is failing, where the one opportunity they have to escape the poverty that they are living in, a decent education, is unavailable to them? Would we be content to sit back and let the bureaucrats tell us it will take a decade to reform these schools? Would those of us who have a 10- or 12- or 13-year-old be content for one moment to allow that situation to exist if there was anything we could do about it?

We are asking poor inner-city children and their parents to tolerate circumstances for years that most middle-class and affluent Americans would not tolerate for a moment. And we expect them to be satisfied and gratified with tinkering changes and symbolic votes on funding which have shown no history of results at all—nothing but failure, endlessly repeated, mindlessly accepted.

This city should be ashamed of its incompetence. And we in Congress should be ashamed of our failure to deliver some hope, some measure of improvement for these children. This is not an issue of whether or not local or State governments have a right to control education.

We in the Federal Government have the responsibility for this Federal city. We have a responsibility for the conduct of affairs in this city and in particular for the educational system in this city. That educational system has failed. It is time we offered some remedies.

With this bill we have set out to turn this justified embarrassment and shame into something productive, something immediately helpful, something hopeful, not something 10 years down the line, but something that can be hopeful immediately to children caught in this tragic situation.

The argument in favor of low-income school choice comes down to a single question which I hope every Member of this body will seriously ponder. Is it just, is it fair, is it compassionate to insist on the coercive assignment of poor children to failed schools?

It is a question which answers itself. No, it is not just, it is not fair, it is not compassionate, if there are alternatives that work, that can provide hope to these students, that can provide opportunity for these students to escape the failed education system that they currently are forced to comply with, alternatives that teach care and discipline.

Right now in the District of Columbia these alternatives exist but they

are rationed by cost, distributed by wealth. And that is not just, that is not fair, and that is not compassionate. Yet we can do something about it, at least in the District for at least some of the District's children.

Mr. President, I am entirely confident about two things in this debate, two facts that I think are beyond dispute. First of all, the children of our cities, even from broken homes in desolate neighborhoods, are capable of educational achievement. This should not be necessary to say because it is obvious to so many of us, but it is not obvious to the educational establishment.

The educational establishment argues exactly the opposite. They claim that schools fail because parents and students are failures themselves, complicating the work of educators with personal problems. I am sure you have heard this excuse that the jobs of teachers are impossible because families and communities refuse to help.

But, Mr. President, we know this is not true. We know that disadvantaged children are not educational failures by birth or circumstance or destiny. We know this as a matter of hard social science. We know this because of the success of nonpublic schools, primarily Catholic schools, that admit the same pool of urban students.

The late James Coleman of the University of Chicago found lower dropout rates and higher test scores among disadvantaged Catholic school students than their public school peers. William Evans and Robert Schwab, of the University of Maryland, came to similar conclusions, recording disproportionate gains by disadvantaged kids in Catholic schools. Other studies reveal that Catholic schools are more racially integrated than their public counterparts and succeed at about half the cost.

I want to repeat, studies have indicated that the Catholic schools are more racially integrated than urban public schools and they succeed where public schools fail, at half the cost of public schools.

These efforts succeed—with the same group of at-risk children—because Catholic education begins with an entirely different premise than the educational establishment: that every student can succeed if properly guided, and that 8 hours a day is a significant, even decisive, intervention in a child's life. This is not skimming. This is not creaming. This is faith and tenacity.

I pointed to Catholic urban schools because they have done such a remarkable job in our inner cities. There are other non-Catholic but religious schools and private schools that are secular schools that have demonstrated an ability to take the same students from the same areas, at half the cost or less, and do a better job in preparing those students for educational opportunities for the future or for employment opportunities for the future—an astoundingly better job.

So this argument that what can you do with these kids, ''After all, look at the families they are from, look at the disadvantages that they have, there is nothing that we can do except provide some kind of a baby-sitting service during daylight hours,'' that is untrue. We have side by side with these failing public schools in our urban areas, side by side, schools that are accomplishing success and not reaping failure, that are taking the same students and providing that success at less than half the cost of our public schools.

The second fact I am sure about is that low-income, inner city parents support school choice in growing and overwhelming numbers—75 percent in Philadelphia, 95 percent in Milwaukee. The Milwaukee and Cleveland school choice programs, the only ones of their kind, were not started by Republicans. They were started by parents fed up with their schools that their children were compelled to attend. They were sponsored and supported by an emerging element of African American leadership. Councilwoman Fannie Lewis of Cleveland, Annette ''Polly'' Williams of Milwaukee, Anyam Palmer of Los Angeles, State Representative Glenn Lewis of Ft. Worth, State Representative Dwight Evans of Philadelphia—these are not black Republican conservatives; they are activist Democrats who view school choice as a matter of equity. They are men and women who have come to resent a nanny state in which the nanny has grown surly and arrogant and abusive and unresponsive.

Alveda King, niece of Martin Luther King, Jr., in this Capitol just 2 weeks ago, referred to school choice as a matter of civil rights. She says:

> In the name of civil rights, some oppose relief for religious parents who want their children to attend a religious school. In the name of helping poor and minority children, opponents of ''opportunity scholarships'' want to continue business as usual in the Washington schools. . . . U.S. citizenship guarantees all parents an education for their children. This is a true civil right. Yet some children receive a better education than others, due to their parents' abilities to pay for benefits that are often missing in public schools. This inequity is a violation of the civil rights of the parents and children who are so afflicted by lack of income and by the mismanagement endemic to so many of the country's public school systems.

Ms. King concludes:

> The District of Columbia Student Opportunity Scholarship Act was designed specifically to alleviate this inequality—to restore parents' and children's civil rights.

To Alveda King and to many African-Americans today, this is a civil right, the opportunity for equality of opportunity in the education of their children.

In July of this year, the Labor and Human Resources Committee, on which I proudly serve, held a hearing on the school choice issue. It was particularly instructive. One witness was Howard Fuller, former superintendent of Milwaukee public schools—former superintendent of Milwaukee public schools, an outside-the-box thinker on education. He began by asking a fundamental question: What makes a school public? This is the answer he gave:

> What makes a school public is that it functions in the public interest.

That interest involves high standards, consistently met—not the provision of services by one group or another. The public interest is to ensure that this happens, through whatever mix of public policies which make it happen.

He goes on to say:

> Although there must continue to be strong support for public education, it is, in the final analysis, not the system that is important; it is the students and their families who must be primary. We must ask the question, what is the best interests of the children, not in the best interests of the system. And in my professional opinion, the interests of poor students are best served if they are truly given choice which permits them to pursue a variety of successful options, public and private.

Fuller testified that the most basic problem with the current system is a structure of power relationships that leads to inertia:

> If you do not somehow change the existing power relationships, the existing configurations, no matter how deeply you might feel about making change, it is not going to occur, because the dynamics of the system are a curb to the kind of change you want to make. If you leave it intact, and you operate under its current form, we are not going to make the difference that we want to make for all of the children. But this need not be the end of public education.

I want to repeat that for my colleagues, the former superintendent of the Milwaukee Public School System, who is talking about the need to change the structure of public education so that it truly can begin the real process of reform, this man says that it need not mean the end of the public school system.

Opponents of this opportunity scholarship program say, ''You really want to do away with the public school system.'' Not at all. We absolutely need a public school system in this country to begin to touch and educate the millions of children who live in this country, but we need a system that will provide them with equal opportunities for education, and they are not getting that now, particularly in many urban areas, and particularly among our minority children.

As Howard Fuller says:

> This need not be the end of public education. It is redefining what is a public educational system in 1997—not what it was in 1960, but what it should look like in 1997, 1998, the year 2000—[and beyond].

This shift in power and philosophy that Dr. Fuller describes involves a mix of approaches: strengthened public schools, low-income scholarships and charter schools. I am a supporter of all of those things. They are not mutually exclusive. Senator LIEBERMAN and I are not here today to say undo the public system and replace it with choice. We are saying we support a mix of things. They are not mutually exclusive. In fact, they are necessary to one another.

Dr. Fuller concludes:

I think you have to have a series of options for parents. I support charter schools. I support site-based management. I support anything that changes the options for parents. But I am here to say that if one of those options is not choice that gives poor parents a way to leave, the kind of pressure that you need internally is simply not going to occur.

Dr. Fuller, who supports a range of choice for parents, says if one of those options is not choice then poor parents have no way to leave the system and apply the kind of pressure that has to be applied internally if any major change is going to occur.

His points were buttressed by several inner-city parents who telephoned. Listen to Pam Ballard of Cleveland:

After being in the Cleveland public schools and having a child who attended Cleveland public schools, my daughter was listed a behavior problem. She was listed a ''D'' or ''F'' student in all subjects. She did not want to go to school. She had no interest in school. The students would hit her, kick her, mistreat her.

But Pam Ballard got a scholarship for her child at Hope Central Academy:

It made a difference. I see that difference every time I watch my daughters at play, studying, reading, learning. . . Please keep the scholarship and tutoring programs alive. It is a beginning, and we all need new beginnings. It has helped keep me and my daughters alive.

Listen to Barbara Lewis from Indianapolis, who got similar help for her child:

My son began to struggle in school. He was not getting the attention he needed. At no time did a teacher ever try to set up a parent-teacher conference to see what we could come up with to help my child. I requested extra credit work, and I tried to set up meetings with the teacher, to no avail. I began to lose hope. I felt that my child's gifts were being wasted.

Then an individual provided Ms. Lewis with a scholarship that the Indiana State Legislature failed to provide:

The values I was teaching him at home were finally reinforced at school. My son blossomed into an honor roll student, a student council leader, and a football standout.

School choice is not a new issue. People of financial means have always had this choice of where they would send their children, to what school. They could afford to move where they wanted, and they could afford the tuition for private schools, while lower-income families with the same hopes and dreams for their children and their children's futures are denied the choice, and they should not be.

Mr. President, it is my hope that the Senate will listen to these quiet voices rather than the strident voices of the education unions—voices of hyperbole and hypocrisy. The hyperbole comes in the accusation that we are destroying public education in the District with this measure. On the contrary, we are not even touching it. These scholarships are not deducted from District education funds. They represent entirely new money. The only challenge to public education in the District that they provide is the challenge of example—the example of at-risk students succeeding and private and religious schools where they have not succeed in public schools.

The hypocrisy is equally clear. While education unions oppose school choice, many inner-city public school teachers send their children to schools other than those which they teach. They are, in fact, two to three times more likely than other parents to send their children to private schools. In Milwaukee and Cleveland, for example, more than 50 percent of public school teachers send their own children to private schools. In the District, that figure is 28 percent, still twice the national average. I don't blame them. They are doing what is in the best interests of their own child. But I do blame education unions for actively denying that choice to others. The hypocrisy of the educational unions and the hypocrisy of those who say we must maintain the public school system and not allow opportunities for low-income people when they, themselves, send their children away from the public schools that they teach in so that they can get a better education at a private school.

We are not talking about sending children to St. Alban's or Sidwell-Friends. We are talking about sending young, fragile kids to schools with a little order, a little sanity, a little discipline, a little individual attention, a little love—schools like St. Thomas More in Anacostia, or the Nanny Hellen Burroughs School in Northeast, islands of nurture and learning.

I visited those schools. Senator LIEBERMAN and I have taken the opportunity to visit those schools. What a remarkable, remarkable difference at a fraction of the cost of the public schools. We cannot even begin to imagine the fears of a mother in the District who is forced to send her child through barbed wire and metal detectors, into a combat zone masquerading as an education institution. If we do not take the side of that mother with immediate, practical help, we will betray her yet again. I, for one, intend to take the side of these parents without hesitation or without apology and without delay. I urge my colleagues to do the same.

I yield the floor but reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from California

Mrs. BOXER. Mr. President, this is a very important debate. Yesterday when we opened debate on the D.C. appropriations, I urged colleagues on both sides not to come forward with controversial amendments because I feel, particularly in light of the situation in the District of Columbia, we need to move on with this bill. But such is not the case and every Senator has every right to bring an issue to the floor at any time, and that is what has happened here. We do have a long, extensive debate on the issue of vouchers.

Mr. President, as I said yesterday, I don't think this is about anything but our children. I don't think it is about strong voices. I don't think it is about quiet voices.

I don't think it is about passionate voices. I think it is about our children. How can we help our children? I think there is complete agreement that one way to help our children is to make sure they have the best education in the world. I don't think that is the question. So what I think it is about is not about us, it is about the children. It is about how we help them get the best education possible. As someone who believes in a free public education, as someone who attended public schools all the way from kindergarten to college, and as someone who sent my children to public schools, and as someone who represents a State that has rejected private school vouchers with taxpayer funds twice overwhelmingly, I think I stand here with some credibility on the subject.

It really amazes me, in a year when the District of Columbia students started their school year late because many of their school buildings were not safe, that we are voting on amendments that essentially gives money to private schools. What I said yesterday when I alluded to this amendment is that it would be very hard for many of us to support an amendment that helps 3 percent of the students—or purports to help 3 percent of the students, while leaving 97 percent without any additional help.

I want to make the point with a chart that I am going to just leave up here. I think that what we need is a 100-percent solution, which is quality public schools for all the children. That is what we need. As I go around my State, I have an ''Excellence in Education'' award that I give out to parents, to teachers, to principals, to business leaders, who are all helping get to quality public schools for all. Yes, we have problem public schools in our State. We also have some great public schools in our State. I think what we need to do, rather than give money to the private schools when we know we don't have extra funding, is to ensure that we taxpayers don't divert the money into private schools, but instead, make sure that it is diverted where it belongs, to all the children. So we are faced here with private school vouchers for a few—for 3 percent, a couple thousand of the kids in the District of Columbia while there are 78,000 who absolutely are going to lose by this. And so I hope people will support the 100 percent solution that many of us are supporting, rather than a 3-percent solution.

Now, what do I mean by a 100-percent solution? I mean that we should do things that help all of our children. What are some of those things? We know that our colleague, Senator CAROL MOSELEY-BRAUN, has pointed out that many of our schools are crumbling, that there are serious problems with them. It certainly was brought home not only here in the District of Columbia, but in other parts of the country, as other schools also opened late because they were dealing with

these repairs. So here we go, some want to give $7 million—$7 million—to private schools. By the way, allowing a lot off the top for administration—and I will get into that—and that whole new bureaucracy that is set up in this amendment is extraordinary. I am going to read you the amendment, about the bureaucracy it sets up. The schools need help in terms of the facilities. We could have mentoring programs for these children, academic assistance, bringing in the business community, recreational activities, technology training. As the President has said, every child should know how to log onto a computer in our schools.

There are other viable school activities, drug, alcohol and gang prevention, health and nutrition counseling, and job skills preparation. Mr. President, if you look at the rate of crime committed by juveniles, it would amaze you to see the spike-up between the hours of 3 and 6 p.m. It seems to me that since we do have a great desire here to help the kids of the District of Columbia, we ought to be helping all of them from a menu of things that we could do for the $7 million that, if this amendment passes, will be diverted away from all the children.

Now, I want to point out that, under this amendment, the District of Columbia would be used as a guinea pig. It is a scheme that many States have rejected. I talked about my own State of California. Recent voucher proposals in Washington State and Colorado and California have lost by over 2-to-1 margins. A recent Gallup poll said that 71 percent of Americans believe the focus of improvement efforts should be on reforming the existing public school system rather than on finding an alternative system. Congress should not enact what the American people reject.

Funds should not go to private schools when the District of Columbia has such stark needs. Their needs are $2.1 billion to repair the schools, and 41 percent don't have enough power outlets and electrical wiring to accommodate computers and multimedia equipment. So we are taking $7 million and giving it to the private schools, many of which have endowments. And 66 percent of D.C. schools have inadequate heating, ventilation, and air conditioning. So we are taking 3 percent of the kids out of there and leaving 97 percent of the kids in a situation where they don't even have basic heating and air conditioning. Public dollars should not be routed to private schools before public school students in the District of Columbia get what they need.

Now, I want to point this out because the Senator from Indiana quoted a number of people from the District of Columbia and called them the ''quiet voices.'' Let me add to some of the voices from a press conference that was held on September 17, with 11 ministers and the D.C. Congresswoman ELEANOR HOLMES NORTON. Representative ELEANOR HOLMES NORTON, who worked so very hard on this underlying bill, so very hard with Republicans and Democrats alike, talks about this proposal that would divert $7 million to private schools and leave 97 percent of the kids without any improvement. She says: ''Virtually the entire city is speaking out against vouchers. The voucher movement is trying to use the children of the District of Columbia as stepping-stones. We know what we want, and it's not vouchers. Hear the people: We can't waste money in this District.''

The Reverend Graylan Ellis-Hagler from the Plymouth Congregational UCC Church says: ''[Sterling] Tucker's letter sent to D.C. clergy was deceptive at best—it never even used the word 'voucher'. The voice of the people has been ignored. We are having vouchers rammed down our throats.''

The Reverend Vernor Clay, Lincoln United Methodist Church: ''We have voted down vouchers in the past. Our voice will not be undermined. Put money into the infrastructure of our schools if you're going to put it anywhere. [Put it] into our public students.'' He said, ''I'm ashamed I signed my name to Tucker's letter. I was misled my him and his hired lobbyist.''

Reverend Dr. Earl Trent from the Florida Avenue Baptist Church: ''I am outraged that Congress has stepped on our rights. We want nothing to do with vouchers. It is going to harm a majority of our schools. Let the Congressmen try vouchers in their own States.''

Well, of course, in my State, it was voted down twice.

Rev. Anthony Moore, Carolina Missionary Baptist Church: ''We all [the ministers] stand united against vouchers. If you want to help our schools, give them money for repairs and supplies, not foolish programs.''

Rev. Willie Wilson, Union Temple Baptist Church: ''This has been a very undemocratic process. The Government should be by and for the people. As a community, we voted vouchers out, but now they're being forced on us. I was lied to by Rep. Tucker and his lobbyist. The letter was designed to rob the District of Columbia.''

Rev. Jennifer Knutson, Foundry United Methodist Church: ''Vouchers are not the answer. Public money should be spent on our public schools.''

So here are some religious voices that are speaking out pretty unified. ELEANOR HOLMES NORTON, who is a tremendous representative of the people here and works so hard on these bills, is adamant on this point because she represents all the children, not just 3 percent of the children. She doesn't want a 3 percent solution, she wants a 100 percent solution. It is such an abandonment of the children to go this route. That is why voters in California, which is on the cutting edge of change, rejected this idea. We should not give up on our children.

Now, here is an interesting point. The Senator from Indiana has very eloquent, heartfelt remarks and, believe me, I greatly respect them. He talked a lot about the bureaucracy of the D.C. schools. He took probably several moments of his introduction to go after them. I don't defend any bureaucracy. I never have and I never will. But I have to tell you, he talked about the ''nanny'' State. If ever there was an example of bureaucracy, it is the way this program is going to be administered. I am not going to put my own spin on it, I say to my colleagues, I am going to read the bill. I am going to read the bill, starting on page 7 and ending—I have to get the right page number here—on page 34. That is how long it takes to explain how this thing is going to work.

DISTRICT OF COLUMBIA SCHOLARSHIP CORPORATION.

GENERAL REQUIREMENTS.—

This is the bill, folks, this is the amendment we are being asked to vote on that will address 3 percent of the kids. This is the bureaucracy that is going to address a couple of thousand kids. This is the bureaucracy that is going to be created that is political when you hear how the appointments are made. It sticks politics right in the middle of these children. This is the bureaucracy that is the answer to what my colleague calls the ''nanny State.''

Let me read it to you:

There is authorized to be established a private, nonprofit corporation, to be known as the ''District of Columbia Scholarship Corporation,'' which is neither an agency nor establishment of the United States Government or the District of Columbia government.

(2) DUTIES.—The Corporation shall have the responsibility and authority to administer, publicize, and evaluate the scholarship program in accordance with this title, and to determine student and school eligibility for participation in such program.

(3) CONSULTATION.—The Corporation shall exercise its authority—

(A) in a manner consistent with maximizing educational opportunities for the maximum number of interested families; and

(B) in consultation with the District of Columbia Board of Education or entity exercising administrative jurisdiction over the District of Columbia Public Schools, the Superintendent of the District of Columbia Public Schools, and other school scholarship programs in the District of Columbia.

(4) APPLICATION OF PROVISIONS.—The Corporation shall be subject to the provisions of this title, and, to the extent consistent with this title, to the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–501 et seq.).

(5) RESIDENCE.—The Corporation shall have its place of business in the District of Columbia and shall be considered, for purposes of venue in civil actions, to be a resident of the District of Columbia.

(6) FUND.—There is established in the Treasury a fund that shall be known as the District of Columbia Scholarship Fund, to be administered by the Secretary of the Treasury.

(7) DISBURSEMENT.—The Secretary of the Treasury shall make available and disburse to the Corporation, before October 15 of each fiscal year or not later than 15 days after the date of enactment of an Act making appropriations for the District of Columbia for such year, whichever occurs later, such funds as have been appropriated to the District of Columbia Scholarship Fund for the fiscal year in which such disbursement is made.

(8) AVAILABILITY.—Funds authorized to be appropriated under this title shall remain available until expended.

(9) USES.—Funds authorized to be appropriated under this title shall be used by the Corporation in a prudent and financially responsible manner, solely for scholarships, contracts, and administrative costs.

(10) AUTHORIZATION.—

(A) IN GENERAL.—There are authorized to be appropriated to the District of Columbia Scholarship Fund—

(i) $7,000,000 for fiscal year 1998;

(ii) $8,000,000 for fiscal year 1999; and

(iii) $10,000,000 for each of fiscal years 2000 through 2002.

(B) LIMITATION.—Not more than 7.5 percent of the amount appropriated to carry out this title for any fiscal year may be used by the Corporation for salaries and administrative costs.

(b) ORGANIZATION AND MANAGEMENT; BOARD OF DIRECTORS.—

(1) BOARD OF DIRECTORS; MEMBERSHIP.—

(A) IN GENERAL.—The Corporation shall have a Board of Directors (referred to in this title as the ''Board''), comprised of 7 members with 6 members of the Board appointed by the President not later than 30 days after receipt of nominations from the Speaker of the House of Representatives and the Majority Leader of the Senate.

So NEWT GINGRICH and TRENT LOTT will recommend these to the President.

(B) HOUSE NOMINATIONS.—The President shall appoint 3 of the members from a list of 9 individuals nominated by the Speaker of the House of Representatives in consultation with the Minority Leader of the House of Representatives.

(C) SENATE NOMINATIONS.—The President shall appoint 3 members from a list of 9 individuals nominated by the Majority Leader of the Senate in consultation with the Minority Leader of the Senate.

(D) DEADLINE.—The Speaker of the House of Representatives and Majority Leader of the Senate shall submit their nominations to the President not later than 30 days after the date of the enactment of this Act.

(E) APPOINTEE OF MAYOR.—The Mayor shall appoint 1 member of the Board not later than 60 days after the date of the enactment of this Act.

(F) POSSIBLE INTERIM MEMBERS.—If the President does not appoint the 6 members of the Board in the 30-day period described in subparagraph (A), then the Speaker of the House of Representatives and the Majority Leader of the Senate shall each appoint 2 members of the Board, and the Minority Leader of the House of Representatives and the Minority Leader of the Senate shall each appoint 1 member of the Board, from among the individuals nominated pursuant to subparagraphs (A) and (B), as the case may be. The appointees under the preceding sentence together with the appointee of the Mayor, shall serve as an interim Board with all the powers and other duties of the Board described in this title, until the President makes the appointments as described in this subsection.

(2) POWERS.—All powers of the Corporation shall vest in and be exercised under the authority of the Board.

(3) ELECTIONS.—Members of the Board annually shall elect 1 of the members of the Board to be the Chairperson of the Board.

(4) RESIDENCY.—All members appointed to the Board shall be residents of the District of Columbia at the time of appointment and while serving on the Board.

(5) NONEMPLOYEE.—No member of the Board may be an employee of the United States Government or the District of Columbia Government when appointed to or during tenure on the Board, unless the individual is on a leave of absence from such a position while serving on the Board.

My colleagues know that this is not one of the most inspiring speeches that I have ever made. But I think it is important that we read this entire amendment because it deals with setting up a whole other bureaucracy for 2,000 children in the District of Columbia—just 3 percent of the children—and enables this bureaucracy to take 7.5 percent off the top of the $7 million. I think it is important that we see what we are creating here.

(6) INCORPORATION.—The members of the initial Board shall serve as incorporators and shall take whatever steps are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29–501 et seq.).

(7) GENERAL TERM.—The term of office of each member of the Board shall be 5 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of such term.

(8) CONSECUTIVE TERM.—No member of the Board shall be eligible to serve in excess of 2 consecutive terms of 5 years each. A partial term shall be considered as 1 full term. Any vacancy on the Board shall not affect the Board's power, but shall be filled in a manner consistent with this title.

(9) NO BENEFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any Director, officer, or employee of the Corporation, except as salary or reasonable compensation for services.

(10) POLITICAL ACTIVITY.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(11) NO OFFICERS OR EMPLOYEES.—The members of the Board shall not, by reason of such membership, be considered to be officers or employees of the United States Government or of the District of Columbia Government.

(12) STIPENDS.—The members of the Board, while attending meetings of the Board or while engaged in duties related to such meetings or other activities of the Board pursuant to this title, shall be provided a stipend. Such stipend shall be at the rate of $150 per day for which the member of the Board is officially recorded as having worked, except that no member may be paid a total stipend amount in any calendar year in excess of $5,000.

(c) OFFICERS AND STAFF.—

So members of the board can be paid $5,000 and they are helping 3 percent of the kids in the District of Columbia.

(1) EXECUTIVE DIRECTOR.—The Corporation shall have an Executive Director, and such other staff, as may be appointed by the Board for terms and at rates of compensation, not to exceed level EG–16 of the Educational Service of the District of Columbia, to be fixed by the Board.

(2) STAFF.—With the approval of the Board, the Executive Director may appoint and fix the salary of such additional personnel as the Executive Director considers appropriate.

So we have a board where members can have a stipend not to exceed $5,000. We have an executive director, and he or she can appoint and fix the salary of such additional personnel as the executive director considers appropriate, all to help 3 percent of the kids while 97 percent of the kids get no benefit from this.

(3) ANNUAL RATE.—No staff of the Corporation may be compensated by the Corporation at an annual rate of pay greater than the annual rate of pay of the Executive Director.

(4) SERVICE.—All officers and employees of the Corporation shall serve at the pleasure of the Board.

(5) QUALIFICATION.—No political test or qualification may be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(d) POWERS OF THE CORPORATION.—

(1) GENERALLY.—The Corporation is authorized to obtain grants from, and make contracts with, individuals and with private, State, and Federal agencies, organizations, and institutions.

(2) HIRING AUTHORITY.—The Corporation may hire, or accept the voluntary services of, consultants, experts, advisory boards, and panels to aid the Corporation in carrying out this title.

(e) FINANCIAL MANAGEMENT AND RECORDS.—

(1) AUDITS.—The financial statements of the Corporation shall be—

(A) maintained in accordance with generally accepted accounting principles for nonprofit corporations; and

(B) audited annually by independent certified public accountants.

(2) REPORT.—The report for each such audit shall be included in the annual report to Congress required by section 11(c).

We are only on page 16 and we have to go to page 32. But I think we are learning by reading this what a bureaucracy we are about to embark upon.

(f) ADMINISTRATIVE RESPONSIBILITIES.—

(1) SCHOLARSHIP APPLICATION SCHEDULE AND PROCEDURES.—Not later than 30 days after the initial Board is appointed and the first Executive Director of the Corporation is hired under this title, the Corporation shall implement a schedule and procedures for processing applications for, and awarding, student scholarships under this title. The schedule and procedures shall include establishing a list of certified eligible institutions, distributing scholarship information to parents and the general public (including through a newspaper of general circulation), and establishing deadlines for steps in the scholarship application and award process.

(2) INSTITUTIONAL APPLICATIONS AND ELIGIBILITY.—

(A) IN GENERAL.—An eligible institution that desires to participate in the scholarship program under this title shall file an application with the Corporation for certification for participation in the scholarship program under this title that shall—

(i) demonstrate that the eligible institution has operated with not less than 25 students during the 3 years preceding the year for which the determination is made unless the eligible institution is applying for certification as a new eligible institution under subparagraph (C);

So, if you hear that, schools can be created that have no track record and pop up and get this taxpayer dollar. There it is on page 17.

Two, contain insurance that the eligible institution will comply with all of the applicable requirements, three contain an annual statement of the eligible institutions budget, four, describe the eligible institutions proposed program including personnel qualifications and fees.

(ii) contain an assurance that the eligible institution will comply with all applicable requirements of this title;

(iii) contain an annual statement of the eligible institution's budget; and

(iv) describe the eligible institution's proposed program, including personnel qualifications and fees.

So, it is possible under this bill to create a brandnew institution just to get this publicized.

(B) CERTIFICATION.—

(i) IN GENERAL.—Except as provided in subparagraph (C), not later than 60 days after receipt of an application in accordance with subparagraph (A), the Corporation shall certify an eligible institution to participate in the scholarship program under this title.

(ii) CONTINUATION.—An eligible institution's certification to participate in the scholarship program shall continue unless such eligible institution's certification is revoked in accordance with subparagraph (D).

(C) NEW ELIGIBLE INSTITUTIONS.—

(i) IN GENERAL.—An eligible institution that did not operate with at least 25 students in the 3 years preceding the year for which the determination is made may apply for a 1-year provisional certification to participate in the scholarship program under this title for a single year by providing to the Corporation not later than July 1 of the year preceding the year for which the determination is made—

(I) a list of the eligible institution's board of directors;

(II) letters of support from not less than 10 members of the community served by such eligible institution;

(III) a business plan;

(IV) an intended course of study;

(V) assurances that the eligible institution will begin operations with not less than 25 students;

(VI) assurances that the eligible institution will comply with all applicable requirements of this title; and

(VII) a statement that satisfies the requirements of clauses (ii) and (iv) of subparagraph (A).

(ii) CERTIFICATION.—Not later than 60 days after the date of receipt of an application described in clause (i), the Corporation shall certify in writing the eligible institution's provisional certification to participate in the scholarship program under this title unless the Corporation determines that good cause exists to deny certification.

So, here we have it, folks. The Senator from Indiana talked about the great private schools, and, yet, under this you can just spring up with a new one, and bring in those tax dollars for 2,000 kids, and you leave behind 97 percent of the children. There are 78,000 children in D.C. schools. You are setting up in this amendment and a bureaucracy that is extraordinary allowing new schools to pop up, and scholarships are going to be made available to 2,000 children. And the stipend that goes to the board of directors exceeds the amount of the scholarship, and the executive director can hire anyone he or she wants. They have a cap on overall administration, but do whatever he or she wants as long as they are not paid more than he gets paid or she gets paid. But I am only on page 20.

There I pause.

(iii) RENEWAL OF PROVISIONAL CERTIFICATION.—After receipt of an application under clause (i) from an eligible institution that includes a statement of the eligible institution's budget completed not earlier than 12 months before the date such application is filed, the Corporation shall renew an eligible institution's provisional certification for the second and third years of the school's participation in the scholarship program under this title unless the Corporation finds—

(I) good cause to deny the renewal, including a finding of a pattern of violation of requirements described in paragraph (3)(A); or

(II) consistent failure of 25 percent or more of the students receiving scholarships under this title and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

(iv) DENIAL OF CERTIFICATION.—If provisional certification or renewal of provisional certification under this subsection is denied, then the Corporation shall provide a written explanation to the eligible institution of the reasons for such denial.

(D) REVOCATION OF ELIGIBILITY.—

(i) IN GENERAL.—The Corporation, after notice and hearing, may revoke an eligible institution's certification to participate in the scholarship program under this title for a year succeeding the year for which the determination is made for—

(I) good cause, including a finding of a pattern of violation of program requirements described in paragraph (3)(A); or

(II) consistent failure of 25 percent or more of the students receiving scholarships under this title and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

(ii) EXPLANATION.—If the certification of an eligible institution is revoked, the Corporation shall provide a written explanation of the Corporation's decision to such eligible institution and require a pro rata refund of the proceeds of the scholarship funds received under this title.

(3) PARTICIPATION REQUIREMENTS FOR ELIGIBLE INSTITUTIONS.—

(A) REQUIREMENTS.—Each eligible institution participating in the scholarship program under this title shall—

(i) provide to the Corporation not later than June 30 of each year the most recent annual statement of the eligible institution's budget; and

(ii) charge a student that receives a scholarship under this title not more than the cost of tuition and mandatory fees for, and transportation to attend, such eligible institution as other students who are residents of the District of Columbia and enrolled in such eligible institution.

(B) COMPLIANCE.—The Corporation may require documentation of compliance with the requirements of subparagraph (A), but neither the Corporation nor any governmental entity may impose requirements upon an eligible institution as a condition for participation in the scholarship program under this title, other than requirements established under this title.

SEC. ___04. SCHOLARSHIPS AUTHORIZED.

(a) ELIGIBLE STUDENTS.—The Corporation is authorized to award tuition scholarships under subsection (c)(1) and enhanced achievement scholarships under subsection (c)(2) to students in kindergarten through grade 12——

(1) who are residents of the District of Columbia; and

(2) whose family income does not exceed 185 percent of the poverty line.

(b) SCHOLARSHIP PRIORITY.—

(1) FIRST.—The Corporation first shall award scholarships to students described in subsection (a) who——

(A) are enrolled in a District of Columbia public school or preparing to enter a District of Columbia public kindergarten, except that this subparagraph shall apply only for academic years 1997–1998, 1998–1999, and 1999–2000; or

(B) have received a scholarship from the Corporation for the academic year preceding the academic year for which the scholarship is awarded.

I see the Senator from Rhode Island is here. I know the Senator from Connecticut is waiting to be heard. But I think it is very important that we read this amendment because one of the criticisms about schools in general is that they are bureaucratic and you can't get more bureaucratic in my mind than this.

I want to point out that 7.5 percent of $7 million for administration and reimbursement to this board of directors is $525,000. That is over half a million dollars for a brand new bureaucracy—just what we do not need, frankly, at this point.

Now, I am going to skip some of this in the interest of time, but I am going to read some of it.

(3) LOTTERY SELECTION.—The Corporation shall award scholarships to students under this subsection using a lottery selection process whenever the amount made available to carry out this title for a fiscal year is insufficient to award a scholarship to each student who is eligible to receive a scholarship under this title for the fiscal year.

So we are helping 3 percent of the kids, and sometimes it will be a lottery.

And so as to save time, I am going to go to a very interesting part here. It goes on and on and on. There is a subsection on civil rights and a very important part in here.

An eligible institution participating in the scholarship program under this title shall not discriminate on the basis of race, color, national origin, or sex in carrying out the provisions of this title.

It is very important that that be in here.

APPLICABILITY AND CONSTRUCTION WITH RESPECT TO DISCRIMINATION ON THE BASIS OF SEX.—

With respect to discrimination on the basis of sex, subsection (a) shall not apply to an eligible institution that is controlled by a religious organization if the application of subsection (a) is inconsistent with the religious tenets of the eligible institution.

Now, this goes on and talks about single-sex schools, classes or activities, revocations, and then there is actually a part in this amendment that I saw that deals with abortion.

OK, on page 29 of this bill that sets up scholarships for children, we say here:

With respect to discrimination on the basis of sex nothing in subsection (a) shall be construed to require any person, or public or private entity to provide or pay, or to prohibit any such person or entity from providing or paying, for any benefit or service, including the use of facilities, related to an abortion.

Now, I just have to say we are talking about a scholarship program for kids aged from kindergarten until about age 12, and we have a section in here on abortion.

I say to anybody reading this—and I have slowed it down in deference to my colleagues who are on the other side of the issue who want to be heard on this—I say that anybody reading this would have to agree, how you can stand up here and fight against bureaucracy and the nanny state and then defend an

amendment like this which sets up an entire new bureaucracy, which sets up a board of directors that can be paid as much as $5,000 a year, more than the scholarships you are giving, which sets up a situation that a brand new school can pop up, I suppose as long as they get through the board of directors. Maybe they have some clout because who is appointing the board of directors? Politicians—politicians—the majority leader, in consultation with the minority leader, the Speaker in consultation with the Democratic leader over there.

What is this? For a scholarship program that at best will serve 2,000 students and leaving 76,000 students with nothing, and a half-million dollars off the top for administrative costs, and that is just now.

I was on the board of directors once of a preschool center when my kids were little. It was wonderful. It was nonsectarian, but it actually happened to be a community that used a church facility. We had a tremendous scholarship program. And I have to tell you, it was a great scholarship program—a private institution, nonprofit—and we did not need to have all of this. If the private sector wants to help the kids, they can put forward some scholarships on their own. We do not need to set up a new, massive bureaucracy. That is what I call it. Because you read this—I am sure everyone who might have been listening to it fell asleep—going through pages and pages of regulations, you find out that in fact members of the board can be paid more than an individual gets who gets the scholarship; you find out in fact it is the Speaker of the House and majority leader, and in this case the Democratic minority, who have input into who sits on this board of directors. The President gets to appoint them on recommendation from at this point TRENT LOTT and NEWT GINGRICH after consultation with their counterparts.

This is not the end of the nanny state. This is the beginning of the political state in the middle of our children's lives.

I look forward to working with my colleagues on both sides of the aisle to putting forward something that is going to help 100 percent of the kids. We know after-school programs are needed by these children. We know that after-school programs work. I say to my colleagues who are for this, let me show you LA's Best, an after-school program for LA's kids. Boy, those kids are so successful. They are doing 75 percent better than the kids that do not go to that after-school program.

Let's get new textbooks. This amendment provides $7 million. For $1 million, we can get new textbooks for every third, fourth and fifth grader in the D.C. schools. I remember when I was a kid opening the books and smelling the new school books. We all remember those days. And today our kids get textbooks that are falling apart. For $1 million of the $7 million we can do this. For $3.5 million we can have 70 after-school programs so our kids are not home alone and they have somebody to say ''yes'' to. We could get new boilers for the schools. It costs $19,000 per boiler to keep those kids warm. We could fix many of the problems in our D.C. schools for 100-percent of the children.

I hope as Members consider how to vote on this they will go for a 100 percent solution, not the 3 percent solution which is so unfair to the children and sets up a bureaucracy that steals money right off the top—a half-million dollars to go to boards of directors and executive directors and all of those things I read to you. And so I thank my colleagues for their patience and I yield the floor but retain the remainder of our time on this side.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Indiana.

Mr. COATS. Mr. President, I would like to yield as much time as the Senator from Connecticut, coauthor of this provision and partner with me in this effort, may consume. I appreciate his support and help in this effort.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair. I thank my friend and colleague from Indiana. I thank him particularly for his consistent leadership in this effort. I am proud to be his cosponsor along with Senator BROWNBACK, a Republican Senator, colleague, and friend from Kansas, and—and I mention this with some pleasure—Senator LANDRIEU, our new colleague, Democratic Senator from Louisiana, is also a cosponsor.

Mr. President, before I get to laying out the reasons why I am for this measure, I just want to respond to something our colleague from California said.

The Senator from California kept stressing over and over again this foundation, this nonprofit board that we are setting up to administer these scholarships and talked about the enormous amount of money that it was going to spend—bureaucracy, overhead. In the amendment, which we are putting in to create this program, the noninstructional, the administrative costs are capped to 7.5 percent. It does come to a little bit over a half-million dollars. But take a look at the budget of the District of Columbia Public School System. Noninstructional central administration and overhead, 33 percent. Only two-thirds of the money we give—and we give well over half a billion of public money to the District of Columbia—two-thirds of that gets spent on instruction, one-third on central administration.

The amendment Senator COATS and I are putting in caps central administration for this scholarship program at 7.5 percent. So I do not think that is a very good argument to oppose our amendment. In fact, our amendment is pretty tightly drawn where 92.5 percent of the money we give will go to the kids and the parents. Let them decide where they want it to go for their education.

Mr. President, this is a very important amendment. There is a certain way in which a lot of us—and I am guilty of this some myself—are kind of predisposed. We go by momentum. We judge, well, which group of my friends, which interest is on which side, which interest group is on the other side. I appeal to people, our colleagues here and, frankly, particularly directly to those in my own party, to take a look at this amendment. Senator BOXER read from the amendment.

After you read the amendment, read this: ''Children in Crisis, a Report on the Failure of D.C.'s Public Schools, November 1996,'' written on behalf of the District of Columbia Financial Responsibility and Management Assistance Authority, the control board we created.

What is the conclusion? It is documented in painful—if I had a child in this system I would say infuriating, heartbreaking—detail. I quote:

> The deplorable record of the District's public schools by every important educational and management measure has left one of the city's most important public responsibilities in a state of crisis, creating an emergency which can no longer be ignored or excused. The District of Columbia Public School [System] is failing in its mission to educate the children of the District of Columbia. In virtually every area and for every grade level, the system has failed to provide our children with a quality education and a safe environment in which to learn.

I stress the word ''emergency'' because I am going to come back to that word. There is an emergency in the District of Columbia Public School System and we are devoting a lot of effort—as I said before, over $500 million, $564 million in this bill, going from the Federal taxpayers to the District of Columbia Public School System. We are doing everything we can to try to make it better. What is wrong with taking $7 million, compared to the $564 million, and saying in this state of emergency, good God, let's give 2,000 kids and their parents a chance to get out of the emergency and better their own lives, better their education so they can provide for themselves?

That is what this is about. It would do nothing more than offer 2,000 children from low-income homes the opportunity to attend a better school. Incidentally, we often don't mention it, but there is another part of it. It would offer 2,000 additional disadvantaged children of the District of Columbia, who go to the public schools and want to stay there, the opportunity for a $500 scholarship to use for exactly the kind of program Senator BOXER talked about: After-school tutoring, enrichment, the kind of program that will help that child have a better prospect of doing better, even within the tough circumstances in the District of Columbia system. That is all this is about.

People talk about this as if, I don't know, it is un-American. It is actually

fundamentally American, because it deals with equal opportunity, making it real for kids who are trapped in a school system in which, no matter how much most of them work, and their parents hope for them, they are not going to have an equal opportunity. They are not going to have the same opportunity that those many in the District of Columbia, the richer ones, who send their kids to private schools and other schools, are going to have.

Listen to some of the critics of this amendment and you would think we were going to cause the sky to fall down on public education. Just over the last week a number of organizations that I consider to be well-intentioned have flooded the Hill with shrill letters proclaiming that this bill is discriminatory, that it is unconstitutional; possibly, from what you read, the single greatest threat to American education since I don't know what. Even Secretary of Education Richard Riley, a man I admire so much, went so far as to suggest this week that our bill would ''undermine a 200-year American commitment to the common school.''

Mr. Secretary, respectfully, that is just not so. Those of us sponsoring this amendment are having a hard time reconciling the exaggerated rhetoric of our critics with the actual details of our plan. Let me repeat. We are talking about spending $7 million next year to fund this program, compared to the $564 million we are giving to the public schools in the District. That is about two-tenths of 1 percent for this test, for this pilot program, for this lifeline to a couple of thousand disadvantaged kids in the District. We don't take one dime away from the D.C. public schools with this amendment. And this small, experimental program is purely voluntary. No people who are satisfied with their current public school will be forced to make any other choice.

The only explanation I can come up with, after the years of listening to the wild allegations that have accompanied the school choice debate, is, if I may put it this way, that love is blind, even in public policy circles. Our critics are so committed to the noble mission of public education that they have shut their eyes to the egregious failures in so many of our public schools and insisted on defending the indefensible; insisted on blocking children in a situation that the D.C. control board describes as an emergency from getting out of that emergency. So they are conditioned to believe that any departure from their orthodoxy is tantamount to the death of their cause. They refuse to even concede the possibility that offering children this kind of choice would give them a chance at a better life while we are investing so much and working so hard nationally and here in the District to repair and reform our public schools.

Of course our public schools will always be our priority concern when it comes to educating our children. But what about the ones who are—this is as if a child was in the middle of a fire and somebody was offering a lifeline out and somebody says, ''Oh, no, no, no, the building they are in is a historic building. That is not fair to the child.''

Listen to the complaints of some of the critics and you will see, I am afraid, that they have concocted a flexible fiction that allows them to believe this fight, their fight, is right, no matter what the facts say. In the alternative universe of the critics, money is the solution to problems that, in fact, are often created by wasteful bureaucracies. Private schools to which many choice critics themselves send their kids are not right, somehow, for children of the poor, seems to be the implication in the criticism, and giving a poor parent the same choices that heretofore have been reserved for those who can afford them amounts, somehow, to an act of discrimination instead of what it is, an act of empowerment.

Nowhere have the myths been stretched further than in the case of this D.C. scholarship amendment. I just want to spend a few moments to recite for my colleagues some of the more spurious charges that have been made, and to respond to them. I think it is important to do so because I want to make every effort I can to make sure that Members of the Senate have accurate information about this amendment before they make up their minds on how to vote. I also hope to demonstrate the extraordinary lengths to which our critics have gone to attack this plan and uphold what I feel is a failed dogma, which is irrelevant to and insensitive to the trap in which thousands of D.C. students and their parents find themselves today: Unsafe schools—unsafe structurally and unsafe in terms of crime—where too many teachers are not actually educating the children.

I am going to talk about some myths.

Myth No. 1: This amendment would drain desperately needed resources from D.C. public schools. I think I have talked a bit about that, but, very briefly, the funding for our program comes from the Federal payment to the city. It would have no impact on the D.C. school budget. Put it another way, if this amendment fails, the D.C. schools will not get one additional penny. This criticism is based on the misguided notion that throwing more money at the D.C. public schools will solve the crisis they are experiencing. The truth is that the Washington Post did not label the D.C. public school system a well-financed failure for nothing.

The Senator from California said, ''Why not take the $7 million and give it to 100 percent of the children? Give it to the school system.'' For what? To better finance the failure that too many of them are struggling to get an education and build a life for themselves under?

I refer my colleagues briefly to this chart which was taken directly from that D.C. control board study that I referenced earlier. The District of Columbia Public School System in fact has one of the highest per-pupil expenditures in the country, spending an average of $1,100 more per child than cities of comparable size. Here is the District of Columbia. It spends $7,655. These are per-pupil, from 1994 and 1995—$7,655. The national average is $6,084. And look at neighboring districts, districts around the District of Columbia: $6,552. They spend slightly more than $1,000 less than the D.C. school systems spend. You can go on. The chart speaks for itself. Only Newark spends more than the District of Columbia per child.

So it is not money here, it is the way the money is being spent. Put $7 million to 100 percent of the kids, what are you going to get? If I may build on the Washington Post conclusion, a better financed failure. Take the $7 million, give it to these 2,000—4,000 students, you are going to give them a chance at a better education and a better life. I will readily concede that the $7 million could be tacked onto the public school budget. But we have to ask ourselves, will that really help the kids who are there now, spreading the money on top of a bureaucracy that is still having trouble counting how many students it has—which is what this Control Board report tells us? Or putting it directly into the hands of 2,000 families so they can attend a school they are confident can educate their child. If we are asking what is best for the students and not what is best for the system, there is no question what will do more good right away, in this coming year, and that is the scholarship program.

Myth No. 2, often heard about school choice and heard about this program. The scholarship is too low to pay for private school and there is no space at private schools for these kids, so it is kind of a sham. Wrong. Our critics seem to have a dated image of the universe of private and faith-based schools, one that assumes that every school is Saint Alban's or Sidwell Friends. There are 88 private and parochial schools inside the beltway that cost less than $4,000 per student, including 60 that cost less than the $3,200 scholarship our amendment would provide. There are at least 2,200 spots now open in schools with tuition less than $4,000, and that is according to just a partial survey of the schools inside the beltway.

A related complaint we hear is the scholarships will not do much good because private and religious schools can and do discriminate. Certainly not discrimination based on race. This charge ignores what is happening today at private and parochial schools here and in other urban areas around this country. Studies show that Catholic schools, as an example, in New York and Chicago and in my own capital city of Hartford, are serving overwhelmingly minority populations. And that is more than true here in the District. This chart, I

think, is a startling one. The student population of the District's 16 center-city Catholic schools is 93 percent African American. Center-city Catholic, 93 percent African-American, actually 5 percent higher than the 88 percent African-American enrollment in the public schools of the District of Columbia. Catholic schools are hardly an exception. For example, Senator COATS and I have been to visit the Nannie Helen Burroughs School, an elementary school run by the National Baptist Convention here in Washington. It is in an area in the northeast section. It has 100-percent African-American school population. We talked to the principal. She said literally they have an open-door policy. She said to Senator COATS and me, ''We will accept anyone who comes to the door—anyone who comes to the door.'' So much for the charge of discrimination.

Members of the Senate should also know that this amendment contains explicit civil rights protections that would prohibit schools participating in this program from discrimination based on race, color, gender, national origin, and it references the District of Columbia Human Rights Act, which actually has a broader series of anti-discrimination protections.

Myth No. 3: The voters of the District have already rejected choice. That is what the critics say. They will continue to cite the results of a referendum held—when?—17 years ago on a tuition tax credit plan totally different from the scholarship amendment Senators COATS, BROWNBACK, LANDRIEU, and I are proposing here.

A much more recent, May 1997, poll and a more relevant poll, found that 62 percent of low-income parents in the District, the people this program is designed to serve, thought a scholarship plan was an excellent or good idea.

Mr. President, the fascinating part of that poll—I don't have the exact number in front of me—is that the more white and higher income the group polled, the more likely they were to oppose this proposal, the more likely also that their children were in private or faith-based schools. The people that this scholarship program is aimed at helping desperately want this kind of lifeline.

Later in the debate I will cite a study done among African-Americans nationally that a joint center, distinguished think tank, in town shows remarkable rising support for school choice programs, vouchers, particularly among younger African-Americans. I wonder why, sadly, too many African American children are suffering from a lack of real opportunity in school systems like the one in the District of Columbia.

Myth No. 4: There is no evidence, the critics say, that scholarships will improve academic performance. Well, just a few days ago, a research team from Harvard released a study showing that students participating in the Cleveland choice program made significant gains in their first year. Math test scores rose an average 15 percent in 1 year for kids involved in the choice program there; reading tests 5 percent—just 1 year after leaving public schools.

That data builds on several convincing studies demonstrating that low-income students attending center-city Catholic schools have achieved far higher scores than their peer groups in the local public schools. Comparable populations in each case, two different settings, kids in the center-city Catholic schools doing much better.

A 1990 Rand Corp. comparison of schools in New York City, for instance, found that the Catholic schools graduated 95 percent of their students annually, while the comparable public schools graduated slightly more than 50 percent. These are numbers, but behind these numbers are thousands of children—thousands of children—who, when they don't finish school, are generally confined to a life without real opportunity.

Look at the difference: 95 percent of the kids in the Catholic schools graduate; slightly more than 50 percent in the comparable public schools.

The Rand Corp. report also showed that the Catholic school students outperformed their counterparts in the public schools and—again, this is in New York City—on the SAT exam by an average of 160 points.

A study released earlier this year by Derek Neal of the University of Chicago found that low-income Catholic school students were twice as likely to graduate from college as their public school counterparts. What a story. It shows what we all know; it shows it so powerfully.

The problem here is not the kids. Put the kids in an environment where they have a real chance to learn, where they are going to be taught in a way that is focused on them, and they will blossom, they will rise, they will soar, with twice as many graduating from college. Not surprising, then, that Paul Vallas, the man charged with rebuilding the decrepit Chicago Public School System, and doing a great job from all reports, is working closely with educators in the schools of the Catholic Archdiocese of Chicago to learn what has made these faith-based schools succeed where the public schools have failed. It is surprising, though, that few other urban administrators have been willing to do the same thing.

Myth No. 5, another false allegation: This amendment is part of a Republican-only agenda. It is a sad fact that most of the choice proponents in Congress are members of the Republican Party, although I am proud to say that Senator LANDRIEU and I are cosponsors of this amendment, and in the House, Congressman FLOYD FLAKE of New York and Congressman BILL LIPINSKI of Chicago have joined in cosponsoring this bill.

But you have to go beyond that. To write this effort off as a partisan effort is to ignore the growing demand for programs that give parents greater educational choice, a demand that cuts across partisan, racial, class, and ideological lines.

Take a look at who is driving the choice movement at the grassroots level around the country. Mothers like Zakiya Courtney in Milwaukee and Barbara Lewis in Indianapolis. Educators like Howard Fuller, the former Milwaukee superintendent of schools. Legislators like Glenn Lewis from Texas. Civil rights leaders like Alveda King from Atlanta, Dolores Fridge, the Minnesota Commissioner of Human Rights. All happen to be African-Americans. To the best of my knowledge, most of them are Democrats.

They are not moved by politics. What moves them is love for their children and frustration and anger that their children are being denied a chance at the American dream because they are being forced, for reasons of income, to attend chronically dysfunctional public schools.

These activists have been joined by thoughtful thinkers, independents like Bill Raspberry and Democrats like Bill Galston, former domestic policy adviser to President Clinton, who have both endorsed the program that we are proposing in this amendment today.

Consider the fact that polls routinely show that support for just the kind of program we are proposing is growing into a majority. For example, just this week, the Center for Education Reform released a survey showing that 82 percent of American adults favored giving parents greater educational choice, and 72 percent approve of using taxpayer funds to allow poor parents to choose a better school for their child—72 percent on a poll released just this week.

This is not partisan. Unfortunately, the vote in Congress too often has been divided along party lines, but that is not the reality out across America. Why? Because the American people are fair, they are realistic, they are practical. They see what is happening to too many of the children in too many of our public school systems. While we are working feverishly to repair those school systems, they think some of the kids are trapped in them, not because they are less able, but only because their parents don't have the money to take them out of those school systems that aren't working for them.

The parents and activists and local political leaders who are demanding choices are not out to destroy the public schools, as so often is alleged. Senator COATS and I, Senator BROWNBACK, Senator LANDRIEU—none of us are out to destroy the public schools. I am the proud product of a public school. I received a great education. I know the role that the public school has played in America as a blender, a meeting ground for people of all kinds who come to the public schools. But the reality is, in too many of our schools today, that is not happening.

Mr. President, I can't think of a public school education support proposal

that I haven't supported in the 8½ years I have been in the Senate of the United States. IDEA, special education funding, School to Work Act, the President's national testing initiative, charter school programs, funding, more and more funding for the public schools. What the critics fail to realize is that you can support this scholarship program and support public education. This is not an either/or equation.

In fact, Senator BROWNBACK and I, particularly as the Chair and ranking member of the Senate D.C. oversight committee, are working constantly with General Becton, now the head of the D.C. Public School System, to give him real support in meeting the overwhelming challenge he has of resuscitating the D.C. school system.

I repeat, again, the very bill on which we are aiming to attach this amendment provides $564 million, over one-half billion dollars of money from the taxpayers of the United States for the D.C. Public School System. General Becton himself concedes that the D.C. public schools—he said this before our committee—will not get better really to where he wants them to be for at least 5 or 10 years. They are going to get better along the way. He said, ''Don't expect an overnight miracle here. I am not going to reach what you want to make of the school system for another 5 or 10 years.''

What do we tell the children who are in the school system in the meantime, and what do we tell their parents? That in the name of some ideology, for some reason of history, to protect the ideal of the public school system as some of us experienced it that doesn't have any realistic relationship to what is happening every day for thousands of kids in the District of Columbia, in the name of preserving public education, that we as adults are willing to sacrifice children's futures, the kids who are there now, in a system described by the control board as in a state of emergency? We are willing to sacrifice them for the sake of a process, an idea that is not real in their lives? Go into the District school system, go into the schools and see what kids face. It is not acceptable, and that is why we are pushing so hard to establish this scholarship program.

Senator COATS and I and the other cosponsors are not suggesting that this is the cure-all for the city's educational woes, but it will give 4,000 kids from disadvantaged families, not kids who are not able, kids who have the same God-given ability as any other group of kids, it will give them the opportunity to realize that ability and a better life. It will make a statement that we are not going to tolerate the unacceptable status quo any longer.

In the long run, it will, hopefully, increase the positive pressure on the public schools to become more accountable, to raise their standards, to win back the public's confidence. Mr. President, later in the debate, if there is time, I am going to read from an affidavit filed by a member of the Milwaukee school system in a school choice case where that member testified to the positive competitive effect that the school choice program in Milwaukee had on the public schools.

For all this, Senator COATS and the other cosponsors and I are accused of leaving behind or abandoning the 76,000 children who would not have access to the scholarship program. The irony, of course, is that just the opposite is true. Too many of these children have already been abandoned by a school system that has been driven into the ground by too much incompetence, too much indifference to the best interests of the city's families, a system that is so bad that the control board report that I mentioned earlier concludes something that I had to look at two or three times to understand:

> The longer students stay in the District's Public School System, the less likely they are to succeed educationally.

I couldn't believe that. ''The longer students stay in the District's Public School System, the less likely they are to succeed educationally.'' I went back. What does that mean? It means as the grade levels go up, the District school kids fall further and further below the national average on standardized tests. To continue to do nothing, other than to call for more money, while these children suffer is unfair to these children.

That is why the onus should not be on us to defend our plan or alternative, our scholarships, but on those who oppose doing anything that does not fit inside the box of status quo public education which is failing thousands of children here in the District of Columbia.

We have to ask, what are you willing to do to change things right now? What are we willing to do to rescue these kids who must go to schools that have more metal detectors than computers? To continue to do nothing out of fear of being divisive or offending one or another group is irresponsible. And, you know, that is a major argument against this amendment, that it is divisive. Those who opposed the civil rights laws when they were first proposed also liked to complain that those being proposed were going to be divisive and thereby damaging to the country. It was an unconvincing argument then just as it is now.

Mr. President, it is a remarkable twist of fate that we stand debating this amendment, as I am sure my colleagues have seen in the news today, on the 40th anniversary of the desegregation of a Little Rock high school, Central High School. President Clinton will be down there this weekend to commemorate that historic event. Of course, that school was desegregated and other schools were saved from legal segregation.

But what is the reality today? Too many schools are still effectively segregated, but really more fundamentally to the point, too many children are being denied the equal opportunity for an education that the desegregation movement, that Brown versus Board of Education, that all the tumult that followed it was all about.

The kids in the District school system do not have a real equal opportunity to an education. And that is what our amendment is all about.

Mr. President, finally, I want to make a plea to the Members of my own party. If I may be partisan in this sense, this Democratic Party of ours in its modern expression was built on a central principle, equal opportunity, building on the bedrock insight that the Declaration of Independence and the Constitution have, that everybody is created equal, and that these are inalienable rights that we have, incidentally not given to us by the founders of the country or by Congress or any other group but given to us by our Creator.

The Democratic Party in the modern history of this country has focused on making this ideal of equal opportunity real. At our best we have been the party of upward mobility, we have been the party that welcomed people to this country, immigrants to this country. We have stood for giving everybody a fair chance to go up. Getting a decent education was at the heart of that.

That ultimately is what is at the heart of this debate—basic fairness, equal opportunity. The reality is that we already have de facto educational choice in this country. It is just limited to those who can pay for it. The question we now face is, whether we make that kind of choice available to the children who really need it most or whether we continue to deny them the opportunity out of some fear of upsetting the status quo or some interest groups who support the status quo.

I urge my Democratic colleagues to think about why they became Democrats, what the party is all about, and how, when we think about that, how they can oppose scholarships for 4,000 poor children. Nothing mandatory. Parents have the right to apply for this. Where have we come when we end up in that position that we are denying a lifeline to 4,000 poor children in the District of Columbia?

I urge my colleagues to take a look at the final chart I am going to show, which is this one. Ward 3 in the District, the upper northwest part of the District; 65 percent of the families send their children to private schools. So 65 percent of the families send their children to private schools; the poverty rate is 6 percent. Well, look. That is the most, of course, of any ward in the city.

Look at Ward 1, a poverty rate of 17 percent; only 11 percent can send their kids to private school. Ward 7, the poverty rate is 18 percent; only 7 percent can send their kids to private school. It is clear what is going on here. And 65 percent of the families from Ward 3 sending their kids to private school is

six times the national average. Probably some Members of this Senate are in that statistic in Ward 3.

We have to ask ourselves, is it fair, given the factual indictment of the status quo of the D.C. public schools—which, as I said, over and over again today, we are spending a half a billion dollars and working with General Becton in all sorts of ways to fix it—is it fair for us to force the disenfranchised, not by reason of law, not by reason of the God-given potential of each and every one of their children, are we going to force them to go to schools that we ourselves, and in fact that statistics show that most D.C. public schoolteachers, will not risk sending their own children to?

I say to my colleagues, as you wrestle with that question, I want to leave you with the wisdom of a Nigerian proverb that I saw on the wall of a D.C. school that I visited recently. It said, ''To not know is bad; to not want to know is worse.'' We can no longer profess not to know about what is happening to thousands of children in the D.C. public school system today who the superintendent of the school system says are in a school system that will not be what we want it to be for 5 or 10 years.

We cannot profess any longer not to know this reality. Therefore, for us not to act now, frankly, is not to want to know. And the terror of that is that for that willful ignorance, it is these children who are going to pay the price. So I have spoken strongly here today because I feel strongly about this.

Mr. President, this is about kids, this is about their future, this is about the reality of the American dream for those who have the hardest time of reaching for it. This is a small program—$7 million—to try it out.

Hey, can anybody say that things are so good in the District of Columbia Public School System that it is not worth experimenting with an alternative for a couple of years? No. I hope my colleagues will think about this and will face the reality and will give this scholarship program a chance, which is to say, that they will give 4,000 children in the District of Columbia a chance that they will otherwise not have.

I thank the Chair and yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Indiana.

Mr. COATS. I have three unanimous-consent requests the leader has requested. And I know the Senator from Minnesota has been very patient. And if I could just get these in I would appreciate it.

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 2266

Mr. COATS. Mr. President, I ask unanimous consent that at 4:30 p.m. today, the Chair lay before the Senate the conference report to accompany H.R. 2266, the Defense appropriations bill. I further ask unanimous consent that the conference report be considered read and there be 60 minutes of debate on the report, divided as follows: Senator STEVENS for 10 minutes, Senator INOUYE for 10 minutes, Senator MCCAIN for 10 minutes, Senator ROBERTS for 10 minutes, Senator COATS for 15 minutes, and Senator REED for 5 minutes. I also ask unanimous consent that following that debate, the Senate proceed to a vote on the adoption of the conference report with no intervening action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE NOMINATION

Mr. COATS. Mr. President, as in executive session, I ask unanimous consent that immediately following the vote on the DOD appropriations conference report, the Senate go into Executive Session and proceed to a vote on the confirmation of Executive Calendar No. 165, the nomination of Katherine Hayden, to be U.S. District judge for the district of New Jersey. I further ask unanimous consent that immediately following that vote, the motion to reconsider be laid upon the table, any statements relating to the nomination appear at that point in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

MODIFICATION TO AMENDMENT NO. 1249

Mr. COATS. Mr. President, there has been either a printing error or technical omission in the current pending amendment—the line 22 on page 34 was omitted, as well as line 23. It simply is a section reference describing the language that follows in the section, plus the line ''Notwithstanding any other provision of law.'' Everything else is as submitted. And it is a technical change to offset a printing error.

I ask unanimous consent that the amendment be modified to reflect this change.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modification is as follows:

On page 34, strike lines 7 through 16, and insert in lieu:

SEC. 13. EFFECTIVE DATE.

This title shall be effective for the period beginning on the day after the date of enactment of this Act and ending on September 30, 2002.

SEC. 14. OFFSET.

Notwithstanding any other provision of law—

(1) the total amount of funds made available under this Act under the heading ''FEDERAL CONTRIBUTION TO THE OPERATIONS OF THE NATION'S CAPITAL'' to repay the accumulated general fund deficit shall be $23,000,000; and

(2) $7,000,000 of the funds made available under this Act under the heading ''FEDERAL CONTRIBUTION TO THE OPERATIONS OF THE NATION'S CAPITAL'' shall be used to carry out the District of Columbia Student Opportunity Scholarship Act of 1997''.

Mr. COATS. Mr. President, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, the last item, which has already been approved, apparently has not been checked by staff. What was the last unanimous consent, if you would not mind? You already have gotten it approved, but out of courtesy. Apparently, the Democrats have not had a chance to look at it.

Mr. COATS. I thought it was cleared. It is a printing error, a descriptive—I tell you what. We will talk to them about it. If there is any problem, we will reset that.

Mr. WELLSTONE. That will be fine.

Mr. President, I first of all want to start out with some praise for my colleague, Senator COATS, from Indiana and for that matter, Senator LIEBERMAN. I think they speak with a great deal of conviction and eloquence on this matter. I think both of them are very committed to the idea of equal opportunity for every child in America. There is no question about that in my mind.

Mr. President, I too think that there has to be a way that we reinvigorate or renew our national vow of equal opportunity for every child. And I think that education is key to that.

But, Mr. President, let me just say at the beginning that there are a whole lot of things that we can and should be doing that we are not doing if we are serious about it. And that is sort of the context that I look at this proposal for the District of Columbia, which I will get to in a few minutes. But let me start out, if you will, with a kind of nationwide focus.

First of all, Mr. President, I have been traveling the country and I have been spending time in communities where people are struggling economically. I spent time with quite a few poor people around our country.

I am struck by the fact—and I have said this on the floor of the Senate before—that in all too many cases you walk into schools and the ceilings are caving in and the toilets do not work, the buildings are dilapidated, the lab facilities are not up to par, there are not enough textbooks. And with all due respect, quite frankly, until we make the investment in this area, just in infrastructure so schools are inviting places for children, we are not doing that much for kids. A voucher plan, be it a demonstration project in the District of Columbia for $7 million or anything else is just a great leap sideways or backward.

Mr. President, Senators and Representatives have had the opportunity to put some investment in rebuilding crumbling schools in America, and we voted against it. If we are serious about equal opportunity for every child—my colleague from Connecticut spoke about this with a great deal of eloquence—then we ought to just follow the direction of all of the studies that are coming out about early childhood development. It is not surprising that kids are not doing well in these different tests, in the way in which we measure how children are doing in our schools.

I try to be in a school every 2 weeks in Minnesota. There are so many children that come to schools that have never been read to. There are so many children that come to school that don't know the alphabet, don't know how to spell their name, don't know colors, shapes, and sizes, and we are doing precious little by way of investing in early childhood development.

Now, I don't know how in the world my colleagues believe that the children we say we care a great deal about, and they do, are going to do well unless we make a commitment here. The answer to the problem is not a voucher plan. The answer is to make the commitment to early childhood development.

Deborah Meyer, a great urban educator from New York, said, ''We can have a debate about tests, we can have a debate about standards, we can have a debate about how we measure this, but there is no debate about the need for you all to get busy investing in the dilapidated schools.'' We tell children we care next to nothing about them when the schools look the way they are.

The judge's court order in Washington, DC, which dealt with getting the asbestos out of our schools, there could be judges issuing these orders in just about every major city in the United States of America, and we haven't invested the resources in this, and we are now saying that the answer is vouchers?

Mr. President, if we are going to talk about equal opportunity for every child, maybe we ought to take a look at what happens to children before they go to school and what happens to them when they go home. Some of the cuts we have made in nutrition programs—and we have made rather deep cuts in nutrition programs; we are going to cut the major food safety program, the major safety net, which is the Food Stamp Program, by 20 percent by the year 2002 all in the name of welfare reform.

Or, Mr. President, the cuts we have made in affordable housing. Has anybody looked at some of the homes, some of the apartments, some of the housing that these young children live in? And we are cutting funding for affordable housing. We have a lot of kids that are living in shacks. We have a lot of kids that are living in rat-infested apartments. We have a lot of children that go cold during the winter.

My colleagues are trying to make the argument that the voucher plan is the way we are going to make sure that these children do well. We do hardly anything to change the concerns and circumstances of their lives outside of the schools. We do hardly anything by way of early childhood development. We do next to nothing when it comes to rebuilding these crumbling schools. And then we turn around and say what we want to do is have a voucher plan.

Mr. President, my colleague from Connecticut said that he had been in some schools. I have been in some of the schools. I know Senator COATS has. I don't know anybody that has done more travel around the country than Jonathan Kozol who wrote ''Savage Inequalities: Children in America's schools.''

I read from page 83: ''In a country where there is no distinction of class,'' written of the United States 130 years ago, ''a child is not born to the station of his parents but with an infinite claim to all of the prizes that could be won by thought and labor. It is in conformity with the theory of equality as near as possible to give to every youth an equal state of life. Americans are unwilling that any be deprived in childhood the means of competition.''

It is hard to read these words today without a sense of irony and sadness, denial. Means of competition is perhaps the single most consistent outcome of the education offered to poor children in the schools of our large cities, and nowhere is this pattern of denial more explicit or more absolute than public schools in New York City. Average expenditures per pupil in the city of New York were under $5,500, and in the suburbs you have funding levels that are above $11,000 a year, and some cases up to $15,000 a year.

All across the country, too much of the education the children get by way of teacher recruitment and teacher salaries, by way of facilities, by way of teacher training, by way of support services, is dependent on the property tax—huge inequalities—and we think that the voucher plan is the way to deal with this problem?

My good friend Jonathan Kozol wrote another book called ''Amazing Grace,'' poor children and the conscience of America. It is a difficult book to read. It is devastating. It is about children in New York City in the Bronx. Mr. President, the thesis of the book is that no country that really loved children would ever let any group of children grow up under these conditions.

Looking at the housing in the neighborhoods, the rat-infested housing, looking at the pollution, looking at the number of children suffering from asthma, looking at the lead content still in the paints in the apartments, looking at families without jobs, without jobs that pay a decent wage, looking at children that are malnourished, looking at a school that doesn't get its fair shake of resources, why don't we make those commitments if we want to make sure that every child has the same chance? The voucher plan nationally and this voucher plan in the District of Columbia is not the answer. It is not a step forward. It is a great leap backward from the kind of commitment we ought to make to children in our country.

Mr. President, I said to my colleague from Indiana and I meant it sincerely, we don't need to be starting to put public money into private schools. We have some of the best public schools in the world. We have some of the best public schools in the world. Go out to some of our suburbs and look at those schools. They are great schools with great teachers with great facilities. What we should be doing is making all the public schools that good. That is the commitment we ought to make.

One-third of America's schools, serving 14 million of America's 52 million students, are considered deteriorating, according to the Department of Education. Ten million students don't have access to computers; 50 percent of the teachers have no experience with technology in the classroom; 50,000 teachers enter school annually on emergency basis, without a proper teaching license; and within the next decade, thanks to a retirement in the baby boom, we will need 2 million new teachers, and we are now on the floor of the Senate discussing an amendment that would provide resources to private schools.

Mr. President, Horace Mann said it best in 1830, 170 years ago:

> Choice is not a new idea . . . the newness is who pays for it. As a nation, we are rightly absorbed with improving education. We cannot do it by isolating its problems, and pretending to leave those problems behind to be dealt with by those least able to solve them. The problems of our public schools lie deep in the American experience—poverty, racism, decades of public apathy, drugs, and growing inability of the family, the church, and the neighborhood to nurture many of our children. These problems—and not the attractively sounding solution of private school choice—need to be addressed.

Mr. President, that is exactly the argument that I just made. Horace Mann just happens to be someone of quite a bit more stature. He was right in 1830 and the same argument applies today, nearly 170 years later.

You can't take public funds, you can't take public funds, and my colleague ELEANOR HOLMES NORTON informs me that indeed this $7 million comes out of the D.C. budget, you can't take public funds, precious funds, and funnel them to private schools. You have fewer dollars helping kids in math and science, you have fewer dollars in terms of raising the standards of achievement, you have fewer dollars for teacher training, and you have less prevention of drugs and violence in the schools. This is not the time to be making such a decision.

Mr. President, I want to also point out that there is a Senator from the District of Columbia, a shadow Senator, Paul Strauss, and it is a shame

that he doesn't get a chance to be more directly involved in this debate. He has been by my office a lot. He cares about this. I think this has some problem to do with the whole question of lack of representation.

I think we ought to remember that people in D.C, and my colleague from Connecticut said it was 1981, but by a ratio of 8 to 1 vote against the voucher initiative. If you want to argue that was a long time ago, take a look at the D.C. Board of Education which unanimously opposes the provision. ''Private school vouchers is not where the voters of this city want to put their money,'' D.C. School Board member Karen Shook reminds us. ''To have Congress impose this on us after we soundly voted against it runs counter to democracy.''

These are elected members to the school board. They voted unanimously one way, and we come to the floor of the Senate and impose a whole different other view. I thought we were interested in local initiative. I thought we wanted local communities to have more decisionmaking power over their children's lives and what happened in their communities.

Mr. President, I think that if we are going to be talking about improving education, the answer is right before us. We have great schools in our suburbs. We have some great schools in some of our cities. Make all the public schools that way. Make sure that we have a system of financing of schools so that not one school in America, not one school in America, is dilapidated, not one school in America has a roof that is caving in, not one school in America is ladened with asbestos, not one school in America has teachers that have to take money out of their pockets and buy textbooks for their students because there isn't enough resource to do so, not one school in America is a school without heat or without air-conditioning during the hot summers. Let's make that commitment. Let's make the commitment to early childhood development. Let's make the commitment to support services for students. Those are the kind of commitments we make, and then we can have all of the public schools being great schools. The voucher doesn't do that.

Karen Shook, the vice president of the D.C. Board of Education and former Chair of the D.C. Finance Committee said, ''Students in the District of Columbia go to school in 100-year-old buildings that have never been renovated.'' Why don't we renovate the buildings? The city has a $600 million need to repair schools, yet it has no capital budget. As for social services for troubled youth, ''only one counselor is available for every 400 students'' in the D.C. public schools.

As D.C. parent and PTA leader Alieze Stallworth points out: ''The majority of children are going to remain in the public school system. What happens to them?''

Mr. President, I could go on and on. There are other colleagues who want to speak. But let me be clear about this, take the $7 million, and for $7 million we could establish ''Success for All,'' a proven research-based reading program for disadvantaged students, for every elementary school in the District of Columbia. Put the $7 million into that.

We could link 116 public schools in the District of Columbia to improve reform efforts such as New American Schools. Put the $7 million in that.

We could put in place 140 after-school programs based in public schools to help 14,000 children otherwise home alone after schooldays, after school ends each day. Put the $7 million into that.

We could provide brandnew textbooks for every elementary and secondary school student in every single the District of Columbia school. Put the $7 million into that.

We could buy 66,000 new hardcover books for the District of Columbia's public libraries, or we could buy 368 new boilers for D.C. schools and protect all the students who go cold during the winter. Put the $7 million into that.

I am going to be very clear about it. I will try to end on another note. I think that my colleagues are onto something important. I think this amendment is a huge mistake. I think it actually represents a retreat from living up to our national vow of equal opportunity for every child. I think the focus ought to be on all of our schools and all of our children. We ought to make sure that every school in this country, including the schools in the District of Columbia and a lot of other cities in the country, and rural areas as well, are as good as the very best school in some of our wealthy suburbs that have all the resources and teachers that they can hire and all the teachers they can retain and all of the support services and all of the rest. That is the direction we ought to be going in.

The voucher plan represents a retreat from that. But I want to say to my colleagues on the floor of the Senate, these Senators, with this amendment, are operating in good faith. They are not operating in bad faith. I probably should not end this way because I am so strongly opposed to the amendment. But I really do want to sort of talk about two points that I think they are making that are important. One of them is that, although, again, the per pupil expenditure in the District of Columbia, as I look at these figures, which has been declining now, is now down to $5,923 for fiscal year 1998, that is not nearly as much as the surrounding suburbs. So I don't think we should go overboard on these figures, given the concerns and circumstances of children's lives and, in many ways, a bigger challenge to educate some of the children in the D.C. school system. Nevertheless, I think it is quite appropriate to say, when are we going to cut through this bureaucracy and when are we going to make sure that these dollars that are out there really connect to the education of children?

I think what my colleagues are trying to say is that they have grown very impatient, they are getting tired of waiting. I share that impatience. I just would do it a whole different way. I would put a lot more investment than I think they want to in what happens to kids in the early years, investment in good programs for kids when they get out of school in the middle of the day when not such good things happen. I would put a whole lot more investment in teacher training and a whole lot more investment in making sure that the best facilities and resources and the schools are inviting places. That is where I would go. I would figure out ways—and I think the District of Columbia is starting to do it—of really making this bureaucracy accountable. I would not be condemning the public school teachers—and they are not doing that. I get angry because I think some of the harshest critics of the public school teachers could not last 1 hour in the classrooms they condemn.

I spoke the other night at Howard University. In the audience was a public school teacher, and she said it is really hard to go on. They feel so beaten down from all of the bashing. I think these public school teachers do a marvelous job. I understand my colleagues' impatience.

Second, I think it is true that some of the private schools, and some of the Catholic schools in particular, in some of our innercity communities are schools where, when children come to school every day, they know they are loved and some very important things are happening. They are doing some things in their schools that we are not doing nearly as well as we should do in some of our public schools. It can't be said that children in our public schools, or in near enough public schools, feel as if every day they are loved and they are supported. There are some important things going on in the Catholic schools. There are important things going on in some of these other schools that I think make a huge difference.

But, Mr. President, this voucher plan, in the context of what is happening nationally, and even in the context of what is happening in the District of Columbia, however well-intentioned it is, I think does not represent a step forward. I think it represents a great leap backward from equity. It represents a great leap backward from the idea of truly equal opportunity for every child, and it represents the beginning of a great leap backward from a commitment to public schools, where all of the schools and all of the children represent the best of America, which is opportunity, which is good education, education that fires up young people, that gives them hope that they can do well in their lives. That is the direction we ought to go. This voucher proposal, in the District of Columbia or anywhere else, doesn't take us in that direction.

I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I would like to yield myself 3 minutes to briefly respond to the Senator. I know the Senator from Rhode Island has been waiting patiently. I don't want to take away from his opportunity. We have speakers on our side, too. The Senator from Rhode Island is next in line.

I want to respond to some comments made by the Senator from Minnesota, to whom I want to return the compliment. The Senator from Minnesota has been passionate in his efforts to reach out to the disadvantaged in this country and address many of their concerns. I know he comes at this issue—even though it is different from where I come in terms of the solution, I think the goals are the same for both of us. I know he comes at it from a different perspective, but with great sincerity, and he matches his sincerity and his rhetoric with his actions. I noted that the Senator came and paid rapt attention to particularly the comments by the Senator from Connecticut, Senator LIEBERMAN. Senator WELLSTONE and I have discussed this and have exchanged our views. I just appreciate the Senator's commitment to this and his sincerity about that commitment.

I would like to comment on a couple of things briefly. There have been different figures thrown around here about per pupil spending in the District of Columbia. We have tried mightily to find out the exact figures. Estimates range from $10,000 to $5,000, as the Senator has mentioned. It is probably somewhere in between. One of the sad things about the D.C. Public School System is that they can't tell us. The accounting is so bad in the District of Columbia—whether it is on roads, housing, police salaries, or public schools—they can't tell us how much they spend per pupil. They can't even tell us the number of pupils. We said, ''We know how much we give you; tell us the number of pupils you are educating, and we will divide that into how much we give you.'' They say, ''We don't know exactly. We can't tell you the number of pupils.'' That is kind of a sorry comment on the inefficiency and really incompetence of the D.C. Public School System as it currently exists.

Just two other things, real quickly. I want to make sure my colleagues know that the money—the $7 million for this program —does not take one penny out of the money allocated to the D.C. public schools for education. In fact, it will increase the money per pupil because they will have 2,000 less students to divide the pot of money they get to educate those students. The money comes from an extra appropriation over and above the President's request, and that money is specifically designated for debt reduction and doesn't go to any operating expenses. So Delegate NORTON is wrong when she says this comes out of textbooks, teacher salaries, and operating expenses. It doesn't come out of operating expenses; not one penny less will go to D.C. schools.

Finally, let me just say the Senator seems to imply that if we can't fix it all, we should not fix anything. We acknowledge that there are a lot of things that need to be fixed in the District of Columbia and around this country. Housing is in deplorable shape, roads are in deplorable shape, early childhood education probably could use funds, food stamps and, as he said, fix the buildings, and so forth. Well, we are not able to do everything, but we are able to do something, something that is focused not on fixing roofs, not on collateral problems—and they are problems that need to be addressed—but we are able to funnel funds directly to parents and students who can improve their educational opportunities. As important as it is to fix roofs, buildings, infrastructure, and so forth, more important and the highest priority ought to be to provide education to those children so that they then can become part of the solution.

Maybe this 3 percent will become part of the 100 percent solution, if they can get an education that would allow them to participate in this. If we were talking about public housing, which is in a disastrous state in this country, particularly in this city, and someone came along with an alternative that was tried elsewhere and would really improve the housing situation, and we said, can we test it here to see if it works here and it will improve housing for those 2,000 people? would you say, no, if we can't do the whole thing, we are not going to do it for anybody?

All we are asking for is a test that will help 2,000 kids get a better education, but will prove, right or wrong, whether or not school choice is a viable opportunity and viable program to do two things: First, give kids a chance and, second, put pressure on the public school system to reform and change. They have had decades to do this. We keep talking about these alternate solutions, but it doesn't happen. In the meantime, generations of children are being condemned to an inadequate education.

Mr. President, how much time is available on each side?

The PRESIDING OFFICER. The Senator from Indiana has 64 minutes. The opposition has 74 minutes.

Mr. COATS. Mr. President, we had said Senator REED, who was waiting, is next. We are not exactly alternating because we didn't have people available on both sides. If we can get back to the alternating system, we would be happy to do that.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. I yield myself such time, under the control of Senator KENNEDY, as I may consume.

I rise this afternoon in opposition to the Coats-Lieberman amendment. I have sensed from the comments of the Senator from Indiana and the Senator from Connecticut that they, too, share our mutual frustration with the status of public schools in the United States and particularly in the District of Columbia. That frustration is forcing us to look at ways in which we can improve education because we believe it is so vitally important to the future of the young people of America and indeed to the very success of America in the future.

I don't think this frustration should cloud our vision as to what we are doing if we would adopt an amendment such as is proposed today. I believe it would represent an abandonment of public education, not a reform of public education. I feel very strongly that our first commitment should be to a strong system of public education throughout this Nation, that we should be seeking to make school reform and excellent schools the right of every child and not just those who may be fortunate enough to receive some type of voucher to leave the system.

Indeed, we can ask ourselves, even if this measure should pass and 2,000 children would leave the public education system in the District of Columbia, what about the thousands of children remaining? What have we done to make their lives better and their education better? I don't think we can save a few and sacrifice the many. I think what we have to do is sit down, conscientiously and cooperatively, and reform public education, not abandon it.

Now, the District of Columbia, as we all know, has stark educational needs. Their class year was delayed for days and days and days, not because of anything more complicated than the fact that the buildings were in disrepair. Yet, rather than investing in roofs or boilers or those items that would actually put children literally into the classroom, we are now debating a voucher bill that would take some of those resources that could be available for these activities and disburse them to private education. Indeed, I believe we have a special obligation here in the Nation's Capital to ensure that the schools are the best in the country. However, we are not talking about that today. Instead, we are talking about allowing 2,000 students to leave that system, rather than talking about how we can make every school in the District of Columbia the best in this country and in the world, and how we can give every child in the District of Columbia the chance to succeed educationally so that they can succeed in life.

The amendment offered by Senators COATS and LIEBERMAN brings the issue of the quality of education, particularly education in many of our urban areas, clearly into focus. For that, we thank them. It is a crisis we must address, but a crisis that I believe is not solved by vouchers. Vouchers would take the limited resources necessary to improve, reform, and reinvigorate public education and, instead, allow some students to leave the system.

Indeed, as part of this amendment which is being debated today there is absolutely no requirement that schools accepting the vouchers would also have to accept the great task of public education, which is to educate all students regardless of their abilities, regardless of their proficiency in the English language, regardless of discipline problems or troubles they may have. This is the task we set for public education. That is not the task that is frequently embraced or supported by private education.

In Cleveland, which has a voucher program, no students with disabilities are served. 1,460 students, nearly half of those that were given the vouchers, could not even find a private school that would accept them. The essence of a private school very clearly is they get to reject students, and they get to reject them on very subjective grounds. That is the nature of private education. That does not apply, obviously, to public education. Public education not only must accept every child but has a moral and legal requirement to serve those children as best they can. And that is a significant difference.

Private education works very, very well. It has provided good education to many Americans. I was a student in parochial schools in Rhode Island. But one thing that was true then and is true now when I talk to parents is that, if your child has a particular difficulty or disability, if your child needs enhanced care, specialized attention, the first choice is specifically the public schools because the public school not only has the obligation but will make available those resources as best they can. And, once again, in the arena of private schools it is not because of any ill-will but simply because of the fact that they just do not have to do that.

So we are talking about a system in which there is not equality, not equality admission, and in many cases not equality of resources either.

We have to support the mission of public education in the United States, and it is not just about training workers for the world economy. It is not just preparing young people to engage in the technologically challenging world of the next century. It is also about Americans, because one of the hallmarks of our country has always been that we have a system of public education that is a common ground for the American people—that children of all races, children of different national heritage, children of different religious convictions can come and be educated in a place that emphasizes not their differences but their common status as citizens of this great Republic.

We are in danger perhaps of losing that. We are in danger because there is a great deal of skepticism about the effectiveness of public education in the United States. And, looking at the record, one should be skeptical. But we should not respond to that skepticism and that frustration today by turning our back on public education. Rather, we should look at the way we can make public education better for all students. What we should be thinking about and talking about and enacting is tough academic standards in public education.

How do we involve parents and the community more deeply and more intimately in the lives and schools in the neighborhood? How do we make schools safe and drug free? How do we bring technology into every classroom? And how do we ensure that every classroom is a place that is structurally sound, clean, and creates an environment where young people want to learn and want to strive to get ahead?

The notion of school choice in the public education system is a good one. Parents should have some flexibility within the public system to pick out charter schools, magnet schools, or special schools. Those types of schools help stimulate innovation and improvement in the public system.

In my home State of Rhode Island we are fortunate to have several different schools, particularly at the secondary level which draw on the special talents and special skills of the students and which give parents and students a choice. But when we start moving away from that system of public education into funded private education, funded now by these vouchers, we are stepping across a boundary which I think we will regret because inevitably we will be pulling resources away from the needed improvements and reforms in public education, and we will see our schools deteriorate even further.

There is a better way to reform education.

If you look at schools which have the same basic demographic characteristics, one of the most persuasive comments that I have seen is that the difference in performance between a good school and a bad school is most accounted for by the qualifications of their teachers. We are not talking about dealing with that issue of teacher preparation here today. We are skirting it, where, in fact, I think if we have scarce Federal dollars, and, indeed, we do have scarce Federal dollars in every category of expenditures, we have to look at where we can get our best value. And it is not balanced. It would be better spent, I feel, in improving the quality of teaching in our public schools.

I introduced legislation—the Teacher Excellence in America Challenge Act, the TEACH Act—which would turn around the model of professional development and training in the United States to provide for better teachers. This legislation is based upon an extensive study by the National Commission on Teaching and America's Future, which contains some disheartening statistics about the quality and preparation of teachers in America.

Over 12 percent of newly hired teachers have no training; 23 percent of all secondary teachers do not have even a minor in their main teaching field; and in schools with the highest minority enrollment, students have less than a 50 percent chance of getting a science or mathematics teacher who holds a license and degree in his or her field of teaching.

These are the real problems of public education. These problems have to be addressed. And we can address them, and we must address them. If we do that we will be on much firmer ground in improving public education.

What is the price tag, as estimated by the National Commission on Teaching and America's Future, for improving the quality of teachers throughout this country? It is over $4 billion. It may seem inconsequential today. We are debating a very small program with respect to the District of Columbia.

But we need all the resources we can to meet the greater challenge of preparing our teachers and the greater challenge of simply ensuring that school buildings are suitable and safe for children.

To turn away from these challenges and to adopt this amendment is, I believe, the wrong approach.

I believe we have a lot to do to improve public education. We have the necessary task ahead of us to improve teaching, to improve the school environment, and to challenge schools with demanding standards.

I also hope that this body will adopt a national evaluation system so that schools know where they stand, and so that when we talk about how well a school is doing it is not just anecdotal, but we will actually know how well they are doing.

In fact, I hope that the national evaluations would be participated in by both public and private schools so we can make a judgment about how well the public schools are doing versus private schools. I think we would be a bit surprised. I think we would find despite the disparagement, despite the criticism, despite the constant bombardment against public education, that it would stand up very well. But we all can do better, and we all must do better.

The dollars that we are talking about today are important. They should be applied to provide every student in the District of Columbia with a chance—not 2,000 lucky students—but every student in the District of Columbia. They should be focused not on retreating from our commitment to public education but to reaffirming it by assuring every child in this District, and we hope in this country, will have a good, safe school building; they will have well-prepared and motivated teachers; they will have textbooks that are current; and, they will have the chance to use all their talents not only for their own success but ultimately for the great success of this Nation.

I yield my time.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I would like to yield 5 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, I thank the Senator from Indiana for his having made it possible for me to stand and speak in favor of this very important opportunity to demonstrate what can happen when we offer individuals the chance to have competition, or the chance to have an influence on where our children are educated.

It is one of the agreed upon successes of the United States of America that our university and college system is second to none. Students from all over the world stream into American colleges and universities, and they come here in spite of the fact that they test very, very well in elementary and secondary systems in their own lands. They come here because there is something special about the collegiate and university level in the United States.

If I were asked why our collegiate system is tops, I would say, in my judgment, that it is because it is a pluralistic system; that it is diverse. There is no singularity with it. No one is scheduled to go to one school or another. Rather, people have an opportunity to make a selection. And students compete to get into the best schools and the best schools compete for faculty. There is lots of competition in the system. It drives the system forward. It provides a basis for not only education and learning on the part of students but it really develops the energy which provides the basis for research which is expanding the frontiers of knowledge all the time.

This concept of diversity, this concept of pluralism, this concept of not being forced to be in one setting, this concept of the energy and creativity, spontaneity and quality that comes when an institution knows it has to do its best for its students because those students aren't forced to go there. They are not locked in. They have the opportunity to be involved in educational experiences elsewhere. That is what drives quality. It is what has carried American higher education to the very top of the educational mountain. There is no dispute. There is no challenger. Second place isn't even close. The United States of America is the clear dominant force in higher education because we are pluralistic, because we are diverse, and no one has a monopoly.

On the contrary, if you are a student and you have one choice and one choice alone, the word ''one'' and the word ''choice'' Is an oxymoron; that phrase together. One choice isn't a choice. It is a direction. Students that are locked into a single school don't have the capacity to say I am going to do better, I will go elsewhere. They don't have the capacity to say if you do not shape this place up, I will go elsewhere. They don't have the capacity to energize the system. A parent doesn't have the ability to go into the school and say you must do better. The school says we are the only school. You have one choice. One choice is no choice.

What we are really offering to individuals who have been locked into a school system which has failed—I think it is time for us to confess, the school system in Washington, DC, is a failure—is a plan to help energize this school system. It will help the public sector. It will help the private sector. But, most importantly, it will help students and parents.

When I had the privilege of being the Governor of my State, I was chairman of the Education Commission of the States. I followed in that responsibility one William Jefferson Clinton, who presided over the Education Commission of the States 1 year; I the next. And one of the things that became apparent in studies conducted from sea to shining sea in this country is that the single most important thing about a student's performance is whether the parents are involved in the education process. How do you get parents involved? You make them meaningful. How can you make parents meaningful in Washington, DC? You can give them the opportunity together with the student to make a choice to go to a school where their needs can be met instead of locking them into a situation where their needs aren't being met and have not been met. And it is a demonstrated fact—the studies tell it, the audits tell it, the school facilities tell it—that the needs aren't being met.

Unfortunately, our Secretary of Education has come out to oppose this program providing scholarships so that students could move from one school to another and get good training somewhere if they are not getting it where they are. And he indicated he was opposing it because he felt like it was reducing the funding.

Let me just repeat. This particular measure reduces funding not 1 cent. It adds funding to just introduce the concept of scholarships and to put into the hands of parents and students the ability to say we will go where our needs are met. Will this help the District of Columbia schools? It definitely will because they will understand they are no longer the exclusive provider of whatever it is they want to provide. They will have to start becoming the creative supplier of what it is that students need. Will it help the students? Obviously, it will help the students. It will get their parents involved. It will get them involved. It will meet their needs. And we will establish a model here in the District of Columbia, in the Nation's Capital, which in my judgment would well serve the entire country.

It is true that pluralism and diversity are the strength of this great land. They have carried our collegiate system and our research universities to the very top in education around the globe. It would be no accident if we were to allow this to happen at the elementary and secondary level. And it could happen if we were to simply embrace the opportunity of letting parents make meaningful choices. One choice is an oxymoron. One choice is no choice at all. It is a trap. It is time to free students and parents to have an opportunity to select schools that can meet their needs and do so without impairing the financial viability and capacity of the District of Columbia school system in the process.

Mr. President, I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Who yields time?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. I yield myself such time as I may need.

Mr. President, I oppose the voucher amendment to the District of Columbia appropriations bill. Although we all want to help the District's children get a good education, this is not the way to do it. Public funds should be used for public schools, not to pay for students to attend private and religious schools.

The current debate involves the schools in the District of Columbia. The use of Federal funds for private schools is a national issue that Congress has addressed and rejected many times before, and so have many States. Now the voucher proponents are attempting to make the D.C. public schools a guinea pig for a scheme that voters in the District of Columbia have soundly rejected, and so have voters across the country.

The recent voucher proposals in the States of Washington and Colorado and California lost by over 2 to 1 margins, and in 1981 voters defeated a voucher initiative by a ratio of 8 to 1 here in the District. The concept has never been brought up on the ballot again because it has so little support. So clearly Congress should not impose on the District of Columbia what the people of the District of Columbia and voters across the country reject.

D.C. parents and ministers and local leaders have made it clear that they do not want vouchers. Last week, a group of ministers from the District of Columbia publicly announced their opposition to vouchers. Rev. Eart Trent, Jr., of the Florida Avenue Baptist Church, said, ''We want nothing to do with vouchers. It is going to harm a majority of our schools.'' Representative ELEANOR HOLMES NORTON opposes vouchers for the District.

The question is, who wants these vouchers? The Republicans in Congress cannot get to first base with this issue in their own States and want to impose it on the people of the District of Columbia.

Vouchers would erode local control in the District of Columbia and undermine D.C. school reforms already underway. Last year, Congress created a control board and all but eliminated the locally elected school board.

This bill would create another bureaucracy in the form of a federally appointed corporation to use Federal funds to run the voucher program. Six out of the seven corporation members would be nominated by the Federal

Government, and those nominations are controlled by the Republican leaders of Congress. Only one representative of D.C. would serve on the corporation.

I understand Senator BOXER did an excellent job earlier in the debate of going through the administrative process and machinery that would be set up and the weaknesses of that particular recommendation or inclusion in the amendment.

Congress created the D.C. control board less than a year ago. The board appointed as chief executive officer of the schools Gen. Julius Becton, Jr., with Congress' endorsement. His mission is to improve the public schools. Now this bill would pull the rug out from under him.

I noted, Mr. President, that in an earlier debate one of our colleagues who is supporting the amendment was talking about the $500 million that is coming from taxpayers all over the country. That money is coming from the taxpayers here in the District of Columbia.

I haven't looked at the D.C. population recently, but generally it is larger than six or seven of our States. They pay in taxes, but they do not have representation in the House, with all respect to ELEANOR HOLMES NORTON. They are not reflected in the Senate of the United States. They are not given the full representation that they should have even in the District.

So General Becton, Mr. President, local leaders and D.C. parents are working hard to improve all D.C. public schools for all children. We should support them, not undermine them. The public funds should not go to private schools when D.C. public schools have such urgent needs. The opening of D.C. public schools for the 1997–1998 academic year was delayed because in 67 percent of the schools the roofs were crumbling. They were able to repair the most severe problems and open up the schools this week, but much more needs to be done.

In addition to completing the roof repairs, 65 percent of them have faulty plumbing; 41 percent of the schools do not have enough power outlets and electric wiring to accommodate computers and other needed technology; and 66 percent of the schools have inadequate heating, ventilation and air conditioning. Funding these repairs should be our top priority, not conducting a foolish ideological experiment on school vouchers.

Another serious problem with the private school voucher is the exclusionary policy of the private schools. Scarce Federal dollars should not go to schools that can exclude children. There is no requirement in the bill that schools receiving vouchers accept students with limited English proficiency, students with disabilities, homeless students or students with disciplinary problems.

Scarce funds should be targeted to public schools which do not have the luxury of closing their doors to students who pose such challenges. As District of Columbia parent Alieze Stallworth says, ''A lot of people think the poor kids will be able to go to the best private schools. They are fooling themselves.''

The voucher proponents argue that vouchers increase the choice for parents. But parental choice is a mirage. Private schools apply different rules than public schools, and unlike the public schools, which must accept all children, the private schools decide whether to accept a child or not. The real choice goes to the schools, not the parents. The better the private school, the more parents and students are turned away. In Cleveland, nearly half of the public school students who received the vouchers could not find a private school that would accept them.

Vouchers will not help most children who need help. This voucher scheme will send 2,000 children to private and parochial schools, but of the 78,000 children who attend D.C. public schools, 50,000 of the children, or 65 percent, come from low-income families. Thus, this proposal would provide vouchers for 3 percent of D.C.'s children and do nothing for the other 97 percent.

Again, a point that has been well made by my friend and colleague from California, Senator BOXER.

This is no way to spend Federal dollars. We should invest in strategies that help all children, not just a few.

Another serious objection to this voucher scheme is its unconstitutionality. A vast majority of private schools that charge tuition below $3,200 are religious schools. Providing vouchers to religious schools is unconstitutional. It violates the establishment clause of the first amendment of the U.S. Constitution by providing a Federal subsidy for sectarian schools. In many States, the voucher schemes would violate the State constitution, too.

In January 1997, a Wisconsin trial court held that the expansion of the Milwaukee voucher program to include religious schools was unconstitutional and violated the Wisconsin constitution. The court stated, ''We do not object to the existence of parochial schools or that they attempt to spread their beliefs through the schools. They just cannot do it with State dollars.''

On August 22, the Wisconsin State Court of Appeals affirmed by a 2 to 1 vote that the expansion of the State voucher program to include religious schools was unconstitutional under the Wisconsin constitution.

On May 1, 1997, the Ohio Tenth Appellate Court unanimously reversed the trial court's decision to allow public money to be paid to religious schools. The appellate court held that the voucher program violated the separation of church and state under both the United States and Ohio Constitutions. And the court ruled that the voucher program ''steers aid to sectarian schools, resulting in what amounts to a direct Government subsidy.''

On June 27, 1997, a Vermont State superior court held that the use of vouchers to pay tuition at private religious schools violates both the U.S. and Vermont constitutions. The courts are clear on the unconstitutionality of vouchers for religious schools, and Congress should abide by their rules, too.

These are all judgments that have been made within the last year under State constitutions and the Federal Constitution in terms of how this particular proposal would be unconstitutional.

Instead of subsidizing private schools, we need to support ways to improve and reform the public schools. That is the basic point, Mr. President. Instead of subsidizing private schools, we need to support ways to improve and reform the public schools—not in a few schools but in all schools, not for a few students but for all students. That is the challenge.

Supporting a few children at the expense of the many divides communities. The Federal Government should help rebuild communities, not undermine them. We should make investments that help all children in all the neighborhood schools to get a good, safe education. I think that is the heart of the argument against this amendment.

So far, Mr. President, in this debate, we have been focusing on this particular chart. Hopefully, we as a body could agree that we do not want to abandon our public schools; we do not want to undermine the communities. As we mentioned, this particular proposal only funds a few at the expense of many—about 3 percent of the total students. It gives scarce Federal dollars to schools that can exclude children. Unlike the public school system, private schools can exclude children. The choice is not made by the parents or the children; it is made by the schools. And we have given examples of how that is being done. We ignore the voter will. When vouchers were put to a vote here in the District of Columbia, they were rejected 8 to 1. The issue has not come up on the ballot again since then. All the public commentary by religious and other elected officials reflects that same position even today. And vouchers raise the constitutional problems which have been addressed, Mr. President, not just academically but in several States which have tried to adopt similar kinds of programs.

Many of us feel that the use of vouchers to subsidize parents who send their children to private schools is a serious mistake because it is a statement that encourages parents to abandon the public schools, not to work to improve them.

Vouchers are a bad idea for school reform, but they are far from the only idea, and what I want to do, Mr. President, is review briefly a number of the ideas that have been working here in the District of Columbia to improve the academic achievement of many

students. These ideas serve as an alternative to the unwise proposal to provide vouchers.

There are many worthwhile ideas for reform that deserve broad support in Congress. I have listened to the debate, and people are just throwing up their hands and saying, ''We have problems in these schools. Let's just try vouchers,'' rather than being serious and looking at what is being attempted in many of these schools and what results they are achieving, evaluating where this additional money could go to benefit the most children. That is the test, I would think, that this voucher amendment fails.

So we know what works, Mr. President, in school reform. We know what teachers need to do to do their jobs well. We need higher standards, better trained teachers, up-to-date classrooms, safe facilities. These are commonsense, doable solutions, and we ought to be doing much more to implement them.

For example, Milwaukee taxpayers have spent $7 million on the voucher program. The program shows no academic gains for the 1,600 students involved. But for that same amount they could have put what they call a Success For All Program in place, which has a solid track record of helping poor children learn more. And it would have benefited every elementary school in that city.

Instead of spending $7 million in the District of Columbia on a private school subsidy that has no proven track record of improving academic achievement and could help at most 2,000 children, we should investigate the strategies that work for all children. The conclusion is obvious. We should choose the 100-percent solution, not the 3-percent solution.

Some D.C. schools have already restructured their facilities, improved teacher training, extended the school day, and enhanced family-centered learning. And they are getting results. We should make sure that every school and community has the resources to put into practice what works, so that no child is left out or left behind.

There are serious problems in the Nation's public schools—especially in urban areas. We can do much more to turn troubled schools around, and undertake a wide range of proven reforms to create and sustain safe and high-performing schools. There are no panaceas to improve schools and improve student learning. There is no blank check. That is why we need to use our limited resources wisely, to get the most benefit for our tax dollars.

Improving student performance starts with a focus on the basics—safety, discipline, high standards, and parent involvement. Sustained improvement must be based on what works, and what is supported by parents, educators, and the larger community. Research shows that student achievement can best be improved by supporting a comprehensive set of district-level and school-level reforms. General Becton's plan supports these reforms, and we should too.

I refer up here to restructuring the whole school. Let me just develop that.

Greater school autonomy, when coupled with performance accountability, can contribute to conditions that make better learning possible. School leaders and teachers can exercise greater control over their school and have a greater sense of personal responsibility for its success. If teachers are to act as professionals and not as robots, they need to be given responsibility for making professional decisions regarding classroom practice and school policy. Holding students to higher standards requires that adults accept higher responsibility for improving student performance.

The Walker Jones Elementary School in northwest Washington is working with the Laboratory for Student Success using Community for Learning, a research-based reform model—and it's working. The concept is called whole school reform. With increased and more intensive teacher training in proven methods and materials geared toward better student learning, student test scores have improved. After 6 months in the program, the school raised its ranking in the District on reading scores from 99th in 1996, to 36th in 1997. In math, the school climbed from 81st in the District to 18th—dramatic, significant academic achievement and performance.

Another result of this reform will be increased accountability throughout the D.C. school system, with better performance measures and clear incentives and consequences for administrators, teachers, and students. Evaluations of teachers and principals will be tied to achievement, and schools that fail to demonstrate improvement will be put on probation.

The principles of Success for All have now been introduced into 475 schools in 31 States. Evaluations show that students in this program tend to perform about 3 months ahead of control students by the end of first grade and by more than a year ahead by the end of fifth grade.

What we are finding out in 475 schools across the country is that the impact that this approach is having in improving academic performance is not just on one or two children in a class, but on all the children. This is the kind of thing we should give attention to and give support to.

A second basic principle of school reform involves organizing schools around a clearer focus on educational excellence for all students, and an academic orientation that challenges all students to master basic and advanced skills in reading, math, and other core subjects.

The voucher program flunks this test. Five years of evaluations by Prof. John F. Witte of the University of Wisconsin-Madison show no achievement difference between voucher students and comparable Milwaukee public school students.

By contrast, in the D.C. public schools, under a new promotion policy beginning this school year, students in grades three and eight must have at least basic reading skills before advancing to a higher grade. This requirement reflects a new commitment by the District to ensure that all children master their basic studies. The District has mandated a 90 minute literacy period for direct instruction each day and suggested additional silent reading times each day. That is giving emphasis, giving priority in local schools to the area that is basic to learning any other possible subject matter, and that is reading. With all respect to computer—reading.

In addition to mastering basic skills, children need to be challenged with a rigorous curriculum. One of the most effective choices that parents and students can make is to choose to take more challenging academic courses.

It works. A growing body of evidence demonstrates that public school reform efforts that include high standards and rigorous courses can improve achievement for the majority of students in the public schools. States and local communities that have set more challenging standards are seeing substantial gains in student achievement.

New York City's College preparatory initiative, mandating more rigorous science and mathematics courses, has resulted in the best-prepared class to enter the City University of New York since 1970. Elementary schools in the city are showing a 4-year rise in test scores. The number of Hispanic and black students who pass the science test more than doubled between 1993 and 1994. There are the result. The whole class is moving up. The whole entry class for the City College of New York is moving up in academic achievement, based on this particular New York College preparatory initiative.

A great deal of attention has been paid this fall to the problem of roof repairs in the D.C. public schools. Far less attention has been paid to the fact that beginning this fall all public schools in the District will have new content and higher performance standards to define what every child in expected to learn and do. D.C. public schools are committed to helping all children meet these standards.

The second point is foster world-class instruction. In addition, in order for students' performance to improve, teachers must be able to teach to higher standards. They must know the content of the curriculum and the best teaching methods for helping students to learn in genuinely challenging courses.

Teachers today, however, are not getting the training they need. One of the best programs we have, the Eisenhower Math-Science Training Program—a hands-on program to upgrade the skills of teachers in our high schools—has

just been block granted under the Gorton amendment, just been wiped off the books. We don't know what they are going to do with that money when it is distributed all over the country, but we know what a difference that funding makes to every one of those math and science teachers in every one of those communities that have benefited from this valuable teacher training program.

Math and science students in inner-city schools have only a 50-percent chance of being taught by a teacher qualified to teach these subjects.

Seven years ago, 53 percent of D.C. teachers were not certified. By last year, the number had dropped to 33 percent. In 1997, all new teachers are certified, and existing teachers must be certified by January 1998 or risk dismissal.

Extending the school day can also be effective. In addition to helping in education, it can also help to create safe havens for students in unsafe neighborhoods.

A recent report by the Office of Juvenile Justice and Delinquency Prevention shows that while violent youth crime is rising rapidly, children are safer in schools than anywhere else. To create a safer, more disciplined, and drug-free environment for children, we need to place more emphasis on hours spent outside school. After school programs that keep children off the street are a powerful and constructive answer to the serious problems of delinquency that plague so many communities. I would say even with regard to unwanted teenage pregnancies, the Centers for Disease Control's study shows that about 65 or 70 percent of these incidents take place in the after-school hours.

This step can work effectively even in individual schools. At the Spingarn School in northeast Washington, the principal made student safety the first priority. Mr. President, 740 students attend the after-school day program and 500 students attend the night program. The school was a safe haven for students.

Drug and violence prevention programs also keep students focused on learning. Students who break school rules are not dumped on the street where they are likely to become perpetrators or victims of violence. Instead, they are placed in separate programs in the school where their education is not interrupted.

We also know that the more time children spend learning, the more they will learn. Programs that extend the school day or the school week can enhance academic achievement. The District of Columbia has created so-called Saturday academies for students who read below grade level. The Saturday curriculum reinforces the weekday instruction, and benefits from a reduced student-teacher ratio.

I can remember when those Saturday programs were first suggested and the uniform impression was: Why bother with it? People won't show up. Parents won't bother. They would rather take the children, if they are not working, to do something else.

That is just hogwash. When those classrooms opened, on Saturday especially, parents made sure their children took advantage of it. And that has been the case overwhelmingly.

In the programs that developed with the Saturday curriculum, we have seen a much better student-teacher ratio and we have seen extremely important progress made.

Schools in Massachusetts are benefiting from these ideas. The Timilty Middle School in Roxbury, MA was long known for its low test scores and high rates for suspending students. Project Promise was established, including an extended school day program to increase the amount of time that students spend in class. School attendance rose, math and reading skills improved, and suspension rates dropped significantly. As a result, the Timilty Middle School was recently cited as an exemplary school by the U.S. Department of Education. It was a dramatic change in the turning around of that school.

Finally, school reform must include greater family involvement. Thirty years of research shows that family involvement in children's learning is a critical link in achieving a high quality education and safe, disciplined learning for every student. Schools can reach out to parents and community members. Together they can develop a shared commitment to excellence for all students, and work in partnership to reach their goals. Family-centered services can be provided that include literacy training for parents, and teaching parents how to help their children with their homework. When teachers and parents work closely together, children can learn more effectively.

The Nalle School in the District of Columbia and the Freddie Mack Foundation are working together to create the District's first full service community school to address the wide range of family needs. Working with service organizations, parents and educators, and community leaders, the school is becoming a major hub of community activity, bringing the parents in, finding out what needs the parents have, and providing them with the instruments to help and assist the children move to higher academic achievement and accomplishment. And it is working. It is working if schools and communities have the resources.

Can we have a chance to go through each of these different proposals at greater length at another time?

I know others want to speak to this, and we have limited time this afternoon, but we will have a chance to go through this in greater detail, I am sure, at some time, Mr. President.

If schools and communities have the resources to choose effective ways, such as these, to ensure all children have an opportunity to reach higher academic standards, schools will be able to offer real alternatives to students and parents while maintaining the kind of accountability that is fundamental to ensure a good education.

Congress can be part of these efforts, too. Instead of debating divisive ideological schemes like vouchers, that undermine the public schools and ignore 97 percent of the children, we can invest in what works and make school reform work for 100 percent of the children in the District of Columbia and in every community.

Good education begins with decent places to learn. Yet, too many of our public schools across the Nation are falling apart, and that is wrong.

I have a chart that reflects exactly what the situation is for the District of Columbia. D.C. schools have more hazardous conditions than the national average. This chart shows that District of Columbia schools' exterior walls and windows fail to meet the minimum standards in terms of safety and quality.

Roof conditions are also much worse than the national average, although this number has improved somewhat because of the action that has taken place in the past 2 to 3 weeks.

Heating and ventilation systems in D.C. schools have twice the problems that we have for the national average.

Plumbing, twice the problems.

Electric lighting, twice the problems that they have.

Life-safety codes, two and a half, three times the problems that they have.

Power for technology, again, well behind the curve, Mr. President.

So these problems are severe in the District schools. Sixty-seven percent of the public schools have crumbling roofs—although as I mentioned, there has been some change in the recent weeks—but only 27 percent of the schools across the country suffer from the problem.

I daresay, if you want to look at the national standards, they are not all that great. In Boston, there are a number of schools in the wintertime, anywhere from 15 to 18 schools, that do not open because of various heating problems every day.

The situation in Boston has improved somewhat under Mayor Menino and Tom Payzant. But go to the older towns of New Bedford, Fall River, Lowell, Lawrence, Holyoke, Springfield, North Adams, and many of the other smaller communities also on the north shore, and you find problems similar to those of the D.C. schools.

So the national average is not a very positive test. Senator MOSELEY-BRAUN has been the leader in the U.S. Senate in recognizing that unless facilities are suitable for learning purposes, we disadvantage children to such an extraordinary degree. Not just because there are no textbooks available or because it is colder in the wintertime, but the point that she has made, and I think so powerfully and effectively, is what it does to a child who goes into a classroom that is in such a state of deterioration. We say education is important.

People in the communities say education is important. The children every single day go into these dilapidated conditions where they are not able to get the school books they need, where the roofs are leaking, windows won't close, where they don't have adequate heating, where they don't have the electrical outlets for computers. Mr. President, what kind of message is it sending to those children when we are out there putting increasing demands on those children? That is something for which I think we as a society pay a very heavy price. But that is another issue for another time.

The point is, we tried to mention the places the $7 million could be used that would enhance the academic achievement and accomplishments of a great number of the students.

The school facilities, as I mentioned, across the country are in poor condition. It is a national problem. Water damage from an old boiler has caused so much wall deterioration in one D.C. junior high school that the entire wing has been condemned. Leaking roofs have been causing ceilings to crumble on teachers' and students' desks. Fire doors are warped shut. Some schools are sweltering in hot weather because they lack air-conditioning. Others are so poorly insulated that students must wear coats indoors in the winter.

According to D.C. public schools, $87 million was needed to make the critical repairs necessary to ensure all schools would be ready to open for the 1997–98 period. Yet, only $50 million was appropriated to repair the schools. Requests for additional funding were initially denied by Congress and only made available at the last minute. So Congress deserves part of the responsibility for the crisis that was caused by the recent 3-week delay in the opening of the schools.

Isn't that wonderful? Here we are trying to tell the District of Columbia what they ought to do with scarce resources, and we were late in putting the money up so they could open in the first place, disadvantaging all of those children. Mr. President, we do not have a good enough record to dictate to the District of Columbia on education or on most other items.

D.C. schools need much more repair. Any funding that we invest should be spent on improving the public schools for students. We should not be diverting the Federal dollars to pay subsidies for the private schools when public schools have such pressing, urgent needs. It is preposterous to pretend that we can prepare for the 21st century in dilapidated 19th century classrooms.

Improving educational opportunities for all children deserves the highest priority at every level of Government and in every community across the Nation. Educating our youth is one of our Nation's most important responsibilities. If we fail to make sound investments in education, few other investments will make much difference for our country and its role in the world in the years ahead.

In meeting the educational needs of children, we must allocate scarce resources wisely. We know what works. We must make sure that every child has access to it. We should not give public funds to schools that can exclude children. We should invest in public schools so that all children have the opportunity for a good education. We should rebuild communities, not divide them. Communities across the country are working hard to improve their public schools, and Congress should help them to do more as well, not make their current troubles worse. We should create improved conditions in all schools for all children, and we should start with safe buildings, decent roofs, good plumbing, and classrooms equipped for the 21st century of learning.

Mr. President, what could we do with the $7 million? We can improve the infrastructure with that $7 million. It could buy 368 new boilers for D.C. schools. There are 157 schools, and at least with regard to trying to make sure that they have hot water and heating systems, we could do much for the D.C. schools.

We could rewire 65 schools that don't have the capacity to accommodate computers and multimedia equipment. We have in the budget about $300 million a year for new technology, technology grants to try to help assist local communities with new computers. Why don't we go ahead and wire some of the schools so at least they will be able to participate in these new kinds of technologies? Why don't we train the teachers to be able to use those technologies in a way that can integrate computers into the curriculum and give these children an opportunity so that they are going to be able to compete in the future? We could rewire 65 schools.

We could upgrade the plumbing in 102 schools with substandard facilities. We see the problem here, the challenge. We have double the problems in just basic fundamental plumbing in the schools. We could upgrade the plumbing in over 100 of those schools so that we can make some difference, again in terms of infrastructure. That $7 million can do a lot for infrastructure.

What could $7 million do to support other programs that are demonstrating enhanced academic achievement? The few that I mentioned—and at another opportunity, I will go into more detail on some others—$1 million would buy 66,000 new hard-cover books for the D.C. school libraries. That is very important. If you look at what is available in those D.C. libraries and compare them to libraries in schools all over the country, you will find them dramatically shortchanged. We have a real opportunity to make a difference in the libraries of schools all over the District, and we could have an important impact in making sure that each student is going to have the textbooks which they require in the classroom. They don't have those today.

Here we are talking about spending $7 million to give vouchers to 2,000 students when the other students who are left back in the classroom don't even have the textbooks to be able to follow what is going on in the classroom. Maybe we will hear other testimony, I am sure we will, about the miracles of vouchers in improving academic achievement for students, but I haven't heard any convincing arguments made in the course of this debate. To the contrary; we can take additional time and demonstrate where the various reviews have failed.

Mr. President, $1 million would fully fund after-school programs in 25 schools; $7 million would fund after-school programs in every one of the District of Columbia schools and benefit every child—every child—not just 3 percent; every child.

In any fair evaluation about what is happening in these after-school programs, we must note what a difference these programs have meant, when we tie them in to academic help and assistance, in advancing students' academic achievements and accomplishments and in improving interest in school and attendance rates. The programs are reducing absenteeism and keeping children safe and secure and beginning to challenge and open up new opportunities of learning for children. You would be able to do this with the $7 million for every school in the District of Columbia. But, no, we are going to take 3 percent of those children and give them a voucher with which they may or may not be able to get into some school, not which their parents are going to be able to get them into, or not that the child is going to be able to get into, but the school is going to make that judgment and decision.

Mr. President, $3.5 million would link 58 more schools to research, improving designs and improving day-to-day instructions. Those are the other kinds of programs that I referred to earlier in my comments.

I certainly hope that this amendment will not be accepted. We too often around here look for easy answers to tough, complicated problems. Recently, if we find out we have a problem, more often than not we propose a constitutional amendment to deal with it. We have more constitutional amendments pending in the Judiciary Committee in this Congress than in the history of the country. We have gotten to where we think if we just pass a constitutional amendment, all of these problems are going to be resolved.

We are not going to be able to deal with all of the problems that all of us understand are out there in the public school system on the cheap. It is going to be tough, difficult work. Money in and of itself is not the only answer. In many instances, you can probably get a much better and higher grade education with the amount of resources

that are being expended. We understand that. We know that. But, nonetheless, what we are talking about here with this particular amendment is a reflection of our priorities—of our priorities.

How are we going to spend that $7 million? Are we going to prioritize 3 percent of those children with a program that I believe is unconstitutional? And perhaps those that defend it are going to be able to make a case to respond to what is happening up in Wisconsin and what has happened in Vermont and other States that have struck down vouchers over the last year—maybe they will be able to sustain it. Perhaps they will be able to make the case with those 3 percent of children going to these private schools, that they are demonstrating what a breakthrough kind of academic brilliance that they are able to achieve and accomplish, and we are going to find the whole country is going to be shaken by this experience and we are going to do something dramatic about it.

The fact is, Mr. President, those that have demonstrated over the course of their lives—some with more success than others—know that this is hard, tough work, that it is a combination of elements.

Children are not going to learn if there is disruption in those classrooms, if the classrooms are not safe. Children are not going to learn if they go to school hungry during the course of the day. Children are not going to learn if they do not have the textbooks. Children are not going to learn if they have an inadequately trained teacher. Children are not going to learn if they know that their walls are crumbling down and they do not have light.

Just like the children are not going to learn if they have hearing problems or if they have vision problems or if they have some asthmatic problems—they are sick.

One of the benefits that we have taken care of, hopefully, in the recent action here, is to try and make sure that children are going to get the preventative health care so that when they go in there at least they are going to be healthy children when they go to those classrooms.

We know some of the things that inhibit children from learning. We do not know all the things that enhance their academic achievement, but we know some. And we know some of the ones that have a proven record, demonstrable record, with solid results.

The question that the Senate is going to have to ask is, are we going to try this kind of a program here for $7 million when we can invest that $7 million in some of the programs here in the District, replicating the ones here in the districts that the parents want, that the teachers know have been successful, that have been carefully evaluated, that will benefit the greatest number of children? Or are we going to reach down from Olympus and say, ''OK, we here in the Senate are deciding for you, even though you don't want it. We're going to experiment here. We can't pass this kind of legislation back in our own States where it's been defeated at times that it has gone before the electorate, but we're going to try it on you here. We have $7 million. And in spite of the fact that your religious leaders, your business leaders, your elected leaders do not want that, and want it invested in these other programs, that's too bad. That's too bad on this. We're just going to say, 'You're going to have to have it because we want to experiment with it.' We want to try and find some silver bullet to solve this problem''?

I hope, Mr. President, that this amendment is not accepted.

Mr. President, how much time is left?

The PRESIDING OFFICER. The Senator from Massachusetts controls 14 minutes, the Senator from Indiana 57 minutes.

Mr. KENNEDY. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. COATS. Mr. President, I very much want to respond—and so does Senator LIEBERMAN—to some of Senator KENNEDY's remarks. But our colleague, Senator CRAIG, has been very patiently waiting. I yield to him up to 7 minutes or as much time as he consumes short of that.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 7 minutes.

Mr. CRAIG. Mr. President, let me, first of all, thank my colleague from Indiana for yielding.

I have been sitting here for the last 35 or 40 minutes listening to what is a truly sincere statement by the Senator from Massachusetts as it relates to the state and the condition of the D.C. school system.

He has left up a chart that recognizes seven categories of dilapidation that have resulted in the D.C. schools not opening on time this year. If you were to look at that chart, and all of the statistics of the D.C. school system separate from the rest of the country, you would say, ''My goodness, what happened? Why didn't we give them the money to fix the doors, the windows, the electrical, the plumbing, the physical structures of the school system? What happened?''

Mr. President, they had the money. They were given the money. I do not know what happened other than to say, they blew the money, they failed. By every measurement, the D.C. public school system is at the bottom. And that is a tragedy.

You can defend the status quo and argue you have to pour more money in. But even the Senator from Massachusetts agrees, it isn't necessarily a money issue.

Well, then for goodness sakes, what is it? Is it a new program, a special program, a great idea, an infusion of a new concept that will turn this public school system around?

Many examples have been cited in one school system or another across this country by the Senator from Massachusetts over the last 40 minutes; and yet he condemns a program or an idea that is embodied in this amendment. It tries to do something very important to a failed system—inject it with a competitive idea that forces a new thinking that must be allowed to happen.

I must tell you, if the schools of Idaho had the kind of money that the schools of the District of Columbia have, because we provide—and I do not say this with any pride—nearly $2,500 less per student than the District schools get here, and if we had the measurement of the standards and the failures of this school system, the Idaho system would have been changed dramatically years ago. You have heard the comparisons I am referencing.

Last year, 72 percent of D.C.'s eighth graders in public school scored below the basic proficiencies in math, and 29 percent failed to meet basic proficiencies in reading; and yet they got $2,500 more per student than the Idaho students, and our scores are among the top in the country.

I do not mean to be pounding my chest about Idaho schools. I want to see our educators get more money and I want to see more money put into Idaho schools. But it is fair and it is important that we compare a failed system with a performing system and the dollars and cents involved, and to argue, as we must, that it is not a money issue. And it isn't. And we know that.

And this voucher amendment isn't to do with money. It is to do with the ability of parents to be able to decide what is best for their children and to have the flexibility to move on that decision.

Why has education, Mr. President, been nearly every person in this country's No. 1 choice in the public polling of our country over the last decade when asked, ''What's the most important issue on your mind?'' Not because it is so good—we are oftentimes reminded of quite the opposite. It is because the public school systems of our country are in trouble. Parents are concerned about the quality of education our children get, their children get and their futures.

When you can't guarantee safety—and the District schools can't; when you can't guarantee discipline—and the District schools can't; when you can't guarantee high standards—and the District schools can't; you fail. If there were an opportunity for the children of the District to go somewhere else, there would be one of the greatest educational exoduses in the history of this country. That is not going to happen.

But what this voucher amendment offers is some reasonable understanding that we ought to try to make a difference. It isn't some grand experiment, not at all. It is, without question, an idea whose time has come, an

idea to inject a competitive environment into a monopolistic system that at the very best creates the lowest common denominator. That is not good enough for the young people of this District, and it is not good enough for any young person anywhere in this country.

The good side about the District schools not opening happened in my office over the last 3 weeks. A young lady who is a junior at Eastern High School here in the District came to intern in my office, Kimberly, a delightful young lady. We learned a lot from her; and I think she learned a lot from us.

But she did say this to me as she left to go back to school. ''Senator Craig, I think I've learned more here in 3 weeks than I'll learn in a full semester in my school.'' She was being kind, but the problem is, I look at the statistics of the school she attends and she's right, she's accurate. This young lady deserves every opportunity possible that the public school system should offer her and yet it does not.

She said, ''Can I come back to your office? Can I be a part of your office, because I know that I can learn a great deal? And I'll do extra time so I can do that.'' And we are going to see if we can make that happen.

School choice—that is what we are talking about today—transfers power over basic education away from the bureaucrat and to the parent. I suggest that the failures of the District system are a clear reflection of the bureaucrats having had that opportunity.

Nobody dare defend a school system where 40 percent of ninth graders drop out or leave before graduation or where only 50 percent of education expenditures go toward instruction, compared to 62 percent nationally.

Mr. President, we wouldn't tolerate failures such as this in my State, and we shouldn't except them in the Nation's capital.

Allowing for school choice is a viable solution to the woes of the District's schools. This amendment is a reasonable and appropriate answer to this crisis. This measure would provide scholarships to over 2,000 public school students, the poorest of the city's poor. These scholarships could be spent to attend any private or public school in the District or the neighboring counties of Maryland and Virginia. Most importantly, scholarships would be targeted to the poorest students, those living below or near the poverty line.

Opponents of the measure make one argument: school choice diverts money away from public schools for the benefit of a few students. However, nothing could be further from the truth.

This measure would not cost the public school system anything—not $1 would leave the public school system. The funding is entirely new money—taken from an increase in the Federal Government's contribution to the city's debt.

Mr. President, today the Senate is being asked to make a choice between the status quo and real reform. I thank Senator COATS, Senator LIEBERMAN, Senator BROWNBACK, Senator LANDRIEU for offering us this opportunity to debate school choice.

This is not a partisan issue. This is all about kids and a failing system and the responsibility of this country and its policymakers to make the difference, because it is a public educational school system. We are not going to worry about the private system. It competes. It has to be good or it will not get the kids.

But the public school system does not have to be good because the kids that cannot afford to get out of it have to go to it. We should not sit here and pound our chests and talk about all the good things because we need to correct the bad things. And that way a very important public education system will be better. It is good in a lot of places around the country. It is bad here in the District of Columbia, and we ought not hold anybody prisoner to that idea.

Let's give parents and students a fighting chance—let's give them a choice and a future.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. COATS. I yield such time as she may consume to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized,

Mrs. HUTCHISON. Thank you, Mr. President.

I appreciate the opportunity to say a few words. I will be brief because I know a number of people have opinions on this subject. But, Mr. President, I think we are talking about the future of public education. I have heard people say, why not just improve public education? That is what we are trying to do. That is the bottom line of what this amendment is trying to do—introduce some new idea, introduce a new way of trying to improve public education by having competition in our system.

Mr. President, what makes America America, what makes America different from other countries in the world has always been our commitment to quality public education so that every child in our country would have the opportunity, with a full range of public education, to fulfill his or her potential.

I am a product of public education. I think it is important that we have the quality so that a person like me can stand on the floor with a person like Senator KENNEDY who has had quality private education. In order to do that, I think it is important that we have new ideas because, as they say in my home State, ''If it ain't broke, don't fix it.''

This is broken. The District of Columbia schools spend more money per student than any school in America, and yet steadily we have seen the decline of the quality of education as judged by the scores on tests.

So more money is clearly not the answer. Maybe some competition, maybe letting the mother of a 10-year-old boy who is going to a school that may or may not be open because of fire codes, that may not be able to educate this child because he is being offered drugs on the school grounds, give that mother a chance to do something different for her child, and that is to give her child a chance with a voucher to go somewhere else for competition. And then perhaps, if this works as a test, it might be something that we can do in low- and moderate-income areas all over our country. Maybe that is a new idea that might work.

Mr. President, this is an amendment that is a field test for another way to try to improve our public education system, which I think everyone in the U.S. Senate wants to do. But why are we not open to a new idea? Why wouldn't we say if any place deserves a try, it is this community, the District of Columbia, where we see the test scores go down in relation to the Federal money that has gone in. Let's try something new. This is the perfect place to do it.

I commend the Senator from Indiana, the Senator from Connecticut, and all those who are cosponsoring this innovative idea so we can have a test market to give every child a chance to have a great public education by introducing a choice. With that competition, encouraging every public school to come up in standards to attract those vouchers that would provide that quality public education that we have guaranteed to our people for the last 221 years in this country, and which if we are going to remain the greatest country on Earth, must be the hallmark of our freedom—a quality public education.

Mr. KENNEDY. Mr. President, I will just take one moment to ask Senator HUTCHISON—I understand this issue about vouchers was actually considered by the Texas legislature this year and was actually rejected. That is part of the problem that many of us have.

Mrs. HUTCHISON. I say perhaps, for once, maybe Washington could teach us a lesson.

Mr. KENNEDY. Touche.

I mention to my friend from Idaho before he leaves, we acknowledge the previous failure that he had outlined here very eloquently this afternoon when we established the control board. The D.C. school chief executive officer, General Becton, has had 10 months to enact changes. In that short time, they have consolidated and closed 12 school buildings, hired only certified teachers, established annual testing for all students, and set standards for teachers and principals.

They have only been in effect for 10 months and here we already are changing and interfering with their priority. I think for the reasons that the Senator has pointed out—there has been this dramatic change in terms of the leadership, those that are trying to

provide new leadership, and here we are in the Congress trying to second-guess.

Mr. CRAIG. Will the Senator yield?

Mr. KENNEDY. I yield.

Mr. CRAIG. I appreciate what the Senator from Massachusetts said. I think all of us are extremely excited about what we hope will happen here in the District. And, of course, you and I have both used the figures that demonstrate the failure of this system.

What I think we offer today is an enhancement and an accelerated opportunity to assist in what is underway. I appreciate what the Senator is saying.

Mr. KENNEDY. I yield the remaining time to the Senator from Illinois.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Mr. President, I want to commend the Senator from Massachusetts for his leadership, for his consistency, and for his outstanding advocacy on behalf of children in this country. I think it is fair to say, and everyone who hears my voice will recognize, there is no one that TED KENNEDY takes second place to when it comes to fighting for children. He has been a leader and continues to be.

I am so pleased to have this opportunity to join him in strong opposition to this voucher proposal. Let me touch for a moment on what I see as the central flaw with this voucher proposal—whether it is for the District of Columbia or any other school system. Voucher programs for elementary and secondary education presume that a market-based solution will solve problems that exist within our public education system.

We have heard a lot about competition in the system. That suggests that there will be a meeting in the marketplace and that quality will rise out of that competition, out of that meeting of forces in the marketplace. I point out to anyone listening, if you think about it for a moment, markets by definition have winners and losers. The question then becomes whether or not we can afford to impose a market-based solution where the welfare of all of our children is involved. We cannot afford in this country any losers in a game of educational roulette, or, as much to the point, in an approach to what for all intents and purposes is an educational triage in which only those youngsters who have the family structure, who have the ability, can retreat from the public school system, leaving whatever else is behind.

It is very interesting, by the way, that a lot of the discussion goes to providing poor children with options. The fact of the matter is that public education in this country excelled precisely because it wasn't just about poor children. It was about providing quality education to any child of whatever wealth, from whatever communities, whether their parents were engaged with their education or whether their parents were found lying in a gutter somewhere. A child who had more talents than means could access quality education because our system supported quality public education.

Education is about more than an individual's ability to get trained for a good job, although certainly that is one of the benefits of it. We are very clear, without education individuals are handicapped when it comes to the job market.

The point has to be made, and made over and over again, that it is more than about just individuals. Education is a public good as well. It is a private benefit, to be sure, but it is also a public good. It is something that affects our entire community. It affects the quality of life in our community. It affects everything from health status to voter behavior, to whether or not individuals, or whether or not communities, will support our democracy and appreciate the higher values of our community.

Quality public education has shaped our democracy. It created a strong middle class. It propelled our country to the top of the world's economic pyramid. The rungs of the ladder of opportunity in our country have historically been crafted in the classroom. I think our generation has an obligation to see to it that the legacy of quality public education is not abandoned and, as much to the point, is not diluted by efforts, such as this one, to divert resources and divert support away from the public education system.

The reason that we have compulsory education in this country is not so that every child can access the best education that his or her parents can afford or find, but so that every child can receive a quality education. If our public schools are not meeting that challenge, then it is our responsibility to fix those schools. A federally funded voucher program would not fix a single public school. In fact, if anything, this effort represents a retreat from the challenge of making our schools work for every child, making our schools rise to the level of excellence that as a community we have every right to expect.

Vouchers represent putting individuals over the interests of the whole community. Vouchers necessarily will benefit only a small percentage, a small number of students. Consider for a moment there are roughly 46 million public school students and 6 million private school students. Any large-scale voucher program would obviously overwhelm the private schools. Advocates claim that entrepreneurs would start up high-quality schools to meet the demand. Just look at the potential for abuse and ask yourself the question, what do we do when we look up and discover a whole slew of less-than-quality school facilities in which people's only objective is to make money? There is no reason to think that by providing this spinoff of resources from public education that we would wind up with a system that was any better.

Supporters of the voucher proposals claim they would help the neediest children the most. I submit that both research, experience, and common sense suggest otherwise. Researchers have concluded that academically and socially disadvantaged students are less likely to benefit from school voucher programs. It is amazing to me that the academic research on this subject has not gotten more attention. Voucher programs in other countries where they have had such programs confirm this research, that, indeed, the voucher approach, spinning off from the public school system, has led to economic as well as social segregation of students. Instead of narrowing the gap between wealthy and poor, instead of narrowing the gap between communities of students, the voucher proposals when implemented had the effect of widening the gap. I don't think we want in our time to be responsible for widening the inequalities among students. If anything, we should be endeavoring to narrow that.

As a matter of fact, in one study that took place in Chile, performance actually declined for low-income students. That is not surprising because any use of public funds for private schools requires that fewer resources be devoted to the public schools. Since the vast majority of low-income students will remain in the public schools and the worst of the schools are, for the most part, already sorely underfunded, it is just evident that private school vouchers would further weaken public education.

Right now, the Federal Government—it is ironic that we are having this debate—the Federal Government right now currently only meets about 6 percent of the costs of elementary and secondary public education in this country. We don't even provide the funding—and I know the Presiding Officer will recognize this issue—we don't even cover the costs of unfunded mandates in education. To further divert resources from what we are already not doing makes absolutely no sense at all.

Transferring funds from public schools to private schools will not buy new textbooks for public school students or encourage better teachers to move to the public schools nor fix a single leaking roof on a public school. All it does is divert resources, precious resources to begin with, away from the system that is already underfunded and that needs it the most.

Supporters of private school vouchers claim that those schools are better managed, they perform better, and cost less than public schools. Again, the facts suggest otherwise.

It is absolutely true that some public schools are inefficient. Again, vouchers don't solve those inefficiencies. What solves those problems are good managers. In Chicago, in my hometown of Chicago, IL, innovative leadership and a ''no excuses'' attitude totally reshaped the system there in the space of about 2 years. Under the leadership that is now in place, our school system is improving itself to the benefit of all

of the 425,000 students in that system, not just the select few who might have been spun off with a voucher plan.

Every school system calls upon the people, the leadership of that community, to focus in on management issues, to address the longstanding issues of neglect and of finance that have hamstrung our ability to provide quality public education to all children.

The evidence also disproves the claims that vouchers improve student achievement. Annual evaluations of the program in the city of Milwaukee concluded that vouchers have not done so. Again, I call my colleagues' attention to all of the research that has been done in this area. There is no scientific evidence to support the notion that somehow by taking away from public education you improve it.

As for cost, again, the private schools can cost less in some instances because only 17 percent of them provide special education, which, of course, is a high ticket item. It costs twice as much to educate disabled children. Again, the point ought to be made that the public schools take everyone. They are schools in which all consistencies, all kinds of students, whether they are rich, disabled, poor or whether their parents have problems, or whether they are troubled, all students come. With compulsory education they have to. By setting up a system that spins off a part of the student body, all we are doing, again, is creating a situation in which those who are the most able and the most capable and have the most family support will leave the school system and leave behind those who are least capable of doing well for themselves.

Here in the District of Columbia—and, again, this is once again the District of Columbia being made into a guinea pig, for all intents and purposes, for ideas that are floating around without addressing the real challenges of the District of Columbia—I, too, had interns in my office, students from the District of Columbia, who interned in my office precisely because the schools were closed here.

Why were they closed? Because the court had decreed that the school environment, the facilities were crumbling so badly that it was unsafe and hazardous for children to go to school there. It would be more appropriate for us to devote the money being proposed to be taken out here to rebuilding the crumbling schools in the District of Columbia, to making sure the roofs don't leak and the windows aren't broken and the electrical systems work, to fix the schools that we have, to meet the challenge of supporting public education instead of coming up with yet another excuse not to support the schools we have in place already.

This approach, in my opinion, represents, in the final analysis, a retreat, a pessimistic capitulation to a winnable challenge. We can fix these schools. We can do at least as much as the previous generation did, our parents. The generation before us left us a legacy of a system of quality public education in which every child, no matter what the circumstances, can get an education consistent with their talent without regard to their means. We have an obligation to do no less for the next generation of Americans. Coming up with an approach that will spend away resources from our system of public education does not keep faith with that legacy of support for quality public education as an integral and central part of the American dream.

Mr. COATS. Mr. President, I yield 5 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, I rise in the strongest support of the District of Columbia student opportunity scholarship amendment offered by Senators COATS and LIEBERMAN to the D.C. appropriations bill. I have long been convinced of the value of school choice programs. I think the debate this afternoon has been very healthy for our country.

Earlier this year, the Washington Post ran a five-part series on the D.C. schools, detailing the mounting problems of the physical deterioration of its school buildings, violence in the classrooms, and the falling academic success among students. Eighty-five percent of D.C. public school students who go on to college at the University of the District of Columbia [UDC] need 2 years of remedial education before beginning course work toward a degree at all. While this statistic is alarming and should not be tolerated, it is a prime example of how the D.C. public schools are failing the very children that they are supposed to be serving. It is the children who are the losers.

Some argue, as my colleague just argued, that if only more money were available to mend the crumbling school buildings, or to better train the teachers or to hire more teachers, then everything would be fine. Mr. President, more money is not really the answer. Despite spending more than $7,300 per student in 1996, which is among the Nation's highest spending rates, 65 percent of all D.C. public schoolchildren, two-thirds of them, test below their grade levels; 72 percent of fourth graders in the D.C. public schools tested below basic proficiency on the NAEP test—worse than any other school system in the Nation.

More money is not the answer. What about the increased violence? The National Education Goals Panel reported last year that both students and teachers in D.C. schools are subjected to levels of violence that are twice the national average.

So I ask my colleagues on both sides of the aisle, isn't this bill the perfect place to give us the opportunity to show what vouchers can do? They do help real families. Some of my staff members are privileged to work with one D.C. family who was fortunate to have received $4,000 of scholarship money this fall to enroll six of their children in Our Lady of Perpetual Help Catholic School here in the District of Columbia. I had the honor of meeting one of those children, Shannon, when she visited my office in the spring to interview me as part of a school project on Arkansas. It was little Shannon who, 1 year ago, told her tutor that she wanted to go to a Catholic school. When asked why, she emphatically answered, ''because I want to learn much.''

Mr. President, even though Shannon had never been to a Catholic school, nor did she know anybody enrolled in a Catholic school, she knew that if she went to a Catholic school, she would learn. She wanted to learn much. Shannon's mother knew that, for her children to progress in their studies and graduate from high school, she desperately needed to get them out of the failing D.C. schools and into a place where the teachers would spend time with her children and teach them.

Under this amendment, nearly 2,000 of the District of Columbia's poorest children—not the wealthy kids, those from the rich side of town whose parents can afford to send them to elite schools—but the poorest children would receive scholarships for tuition costs at a private school in the District of Columbia, or in adjacent counties in Maryland and Virginia. Mothers like Shannon's are eyewitnesses to their children's improvement when their children are enrolled in a safe, stable, and thriving school environment.

The Coats-Lieberman plan is a lifeline of hope for thousands of D.C. parents, like Shannon's mom, who have waited and are still waiting for an opportunity to give their children a solid education and a chance to succeed.

This amendment makes so much common sense. The question is, will vouchers work? Let's give vouchers a chance right here in one of the worst school districts in the Nation. Let's not continue to put good money after bad by simply pouring it into a system that is broken. Let's give the children of this city hope. Let's give the parents of the poorest children in this city an opportunity to give their children the best educational opportunity.

I commend the Senator from Indiana, Senator COATS, and Senator LIEBERMAN for their leadership and for the opportunity to conduct this debate and to cast this important vote.

I yield the floor.

Mr. COATS. Mr. President, I yield 5 minutes to the patient Senator from Oklahoma, who has been waiting a long time to speak.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I was in the chair when I heard the very eloquent speech, of course, as always, by Senator LIEBERMAN. One thing he said at the very last surprised me a little bit. I think kind of out of desperation he said, ''We are only talking about $7 million. We try a lot of things that cost a lot more than that.''

I am here to inform Senator LIEBERMAN—and I believe he knows it already—that it has been tried. I started with our mutual friend, Tony Coelho, in 1993, who established an organization called the Washington Scholarship Fund. There were many Democrats and Republicans involved. Senator KERREY, at that time, was an honorary chairman, and Bill Bennett was one of the honorary chairmen, also. Directors and advisors included Boyden Gray and Doreen Gentzler, a local Channel 4 TV news anchor.

Our goal was to help needy or low-income families send their children to private school—the very thing we are talking about here. We were trying it through the private sector to see if it would work. What we did was not pay the entire scholarship, as we are talking about here, for a number of students, but to pay half of it. I think the average tuition is around $3,000 a year. Now, what we did was, we would offer a scholarship of $1,500 a year, so that the parents would have to pay half of it, so they would have to have an interest in that. To be eligible, they had to be residents of the District of Columbia. Ours was K through 8, as opposed to K through 12. I think K through 12 is probably better. They must be low-income by Federal standards.

Anyway, we went ahead with this program on the half tuition. We had people lined up in the school year of 1993 and 1994, and we had 57 students. That is about $75,000 that we raised privately for these one-half scholarships. Last year, we were up to 250 students that we helped. That is a substantial increase. But the interesting thing is that we have over 800 now on a waiting list. I am sure that there are probably more out there waiting that are not familiar with the program. But it is overwhelmingly successful. In the schools, they concentrate on strong values, basic reading and writing and math skills, and we have a lot of parental involvement.

A lot of people are not aware that in Washington, DC, there are at least 25 private schools with tuitions less than $2,500 a school year. They average about $3,000. Most of the private schools in the District of Columbia operate way below capacity, or their average tuition probably could come down, they would estimate.

The Washington Scholarship Fund is one of 32 private school scholarship programs nationwide in cities like Milwaukee, Los Angeles, New York, and, in fact, there is one in the home State of Senator COATS, in Indianapolis. They are currently helping approximately 12,000 needy children, and they have 40,000 on a waiting list.

Well, when I heard the Senator from Connecticut say he didn't know exactly how much it was costing the public school system in Washington, DC, I think he is right because the accounting system, as he points out, is very poor. However, I have heard the range to be somewhere between $7,700 and $10,000. So here we are talking about being able to give a better education at approximately one-third of the cost—in other words, for the same cost, reaching three times the number of children.

Ms. MOSELEY-BRAUN. Will the Senator yield for a question?

Mr. INHOFE. Not on my time. On your time, I will.

Ms. MOSELEY-BRAUN. There is no time left.

Mr. INHOFE. I am sorry, I have to use my time. The dropout rate is a problem. I will read a couple of things that I think are significant.

One of the mothers, named Voni Eason, said:

> My son loves the school. He even likes the uniform. He feels like he's a grown man. Without an education—and a good, strong education—he's not going to have a job. Without the Washington Scholarship Fund, he wouldn't be able to go to his school.

That is a mother making a testimonial.

Tanya Odemns' son actually tried the public schools system in Washington, DC. She said:

> My son wasn't learning anything. He didn't know his ABCs, didn't know how to spell his name . . . public school didn't give him any homework. I know my son is very intelligent and wants to learn. When I heard about the Washington Scholarship Fund, I just hopped on it real quick. [Now] he's excited when he comes home, wants to do homework.

Mr. President, it has been tried and it is successful. It works.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

Under the previous order, at 4:30, the Senate is to proceed to debate on the defense appropriations bill.

Mr. COATS. Mr. President, I promised the Senator from New York he could get a statement in.

I yield to the Senator from New York.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the time for the Senate to consider the defense appropriations bill be extended for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. I thank the managers of the bill. Mr. President, let me say this. I strongly, strongly support this amendment. I want to commend Senator LIEBERMAN and Senator COATS for fighting to give the families, the parents, the youngsters in the Washington, DC, public school system a chance. Too many are trapped. We are talking about working families who don't have the ability to move to areas with better schools. They don't have the financial wherewithal to send their children to better schools, including private schools, that are safer and may give a stronger educational opportunity. Al Smith, a great Governor from our State, used to say, ''Let's look at the record.'' Well, look at the record. How can we be defending the status quo of an education system in the District of Columbia that has been a failure—a failure. Forty percent of these youngsters never graduate from high school; 40% of D.C. public school students leave the school system between ninth grade and graduation.

In terms of scores, it's incredible: during the 1996–97 school year, 72 percent of the eighth graders score below basic in math—72 percent; 78 percent of the D.C. public school fourth graders rank below basic reading achievement levels in 1994; 80 percent of the D.C. fourth graders in 1996 achieved below the basic math achievement levels.

Do we want to save these youngsters? Or are we so interested in protecting the status of the unions, because that is what this is about. We are talking about the status quo, where you have a system that cares more about tenure for teachers that can't teach, more about seeing that the perks and privileges of the unions are protected—as opposed to providing students and their parents an opportunity to have a choice for real opportunity and to break out of this mediocrity.

The fact is, we once had great and vibrant public educational institutions. That was before the days when the union perks and prerequisites came first.

I support merit pay for good teachers. Let's reward them and get rid of the tenure system that is guaranteed to provide mediocrity and less for students. Let's have renewable tenure.

Parents should be empowered to make choices, letting them have the opportunity to send their kids to the best schools.

Who is trapped in the sea of mediocrity? I will tell you. The poorest of the poor; the working families; the families that can't move to another area to give their kids a good educational opportunity.

I have to tell you something. I look to Congressman FLOYD FLAKE. The Reverend FLAKE is resigning his position. He is elected with 90-some-odd-plus percent when he runs. He truly is the servant of the people. This is not intended to be a testimonial to him. I will give that before October 15 when he retires. But let me tell you about one of the things that the Congressman is going to do. He is going to go back and fight in New York to empower parents and to give children and their parents choice and an educational opportunity that now is all but put aside.

We can make a difference. I don't care if it is 1,000 students that it helps, or 1,500 students. That is 1,500 more youngsters who will get a chance to flourish in an oasis of educational opportunity as opposed to a swamp and a sea of mediocrity that are tearing down educational opportunities for kids.

We have got to try to do something better. And it isn't putting more of this money into a system that is broken down.

Mr. President, I say this is the least we can do. This is an innovative opportunity to take one of the worst school systems in America and to begin to

empower parents on behalf of their children to give them real educational opportunity.

I yield the floor.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1998—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the clerk will report H.R. 2266, the conference report.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the H.R. 2266 having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by majority of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 23, 1997.)

The PRESIDING OFFICER. The Senator from Alaska.

PRIVILEGE OF THE FLOOR

Mr. STEVENS. Mr. President, I ask unanimous consent that the following Members of the staff of the Defense Appropriations Subcommittee be granted the privilege of the floor during consideration of the conference report to accompany H.R. 2266: Sid Ashworth, Susan Hogan, Jay Kimmitt, Gary Reese, Mary Marshall, John Young, Mazie Mattson, Michelle Randolph, Charlie Houy, Emelie East, and Mike Morris, a legislative fellow detailed to the committee from the Department of Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, the conference report on H.R. 2269, the Department of Defense Appropriations Act for Fiscal Year 1998, closely follows the bill passed by the Senate on July 15.

The bill provides $247.5 billion in new budget authority for the Department, an amount within the levels set in the budget agreement with the White House.

As in July, the conference report reflects a bipartisan effort, and I am grateful to my friend and colleague from Hawaii, Senator INOUYE, for his partnership in bringing this bill back to the Senate, and bringing it back as a very good bill.

The House passed the conference report by a vote of 356 to 65, today.

The full text of the conference report, and the accompanying statement of the managers was printed in yesterday's CONGRESSIONAL RECORD.

The print of House Report 105–265 has been available to all Members today.

The tables and descriptive text of the statement of the managers details the funding levels for all the programs considered by the conferees—I will not take the Senate's time to summarize those adjustments.

I do want to highlight the toughest policy issue we faced—continued funding for operations in and around Bosnia.

The House of Representatives in its original bill passed a provision which was a total prohibition on spending for any operations in Bosnia after June 30, 1998.

Personally, I believe we should withdraw our forces from Bosnia.

Secretary Cohen and General Ralston met with us, and urged us not to take that unilateral step, at this time.

Prior to this conference, several of us traveled to the United Kingdom, for the periodic United States-United Kingdom interparliamentary meetings.

In those talks some of us came to appreciate better the total dependence by our European allies on the United States forces in Bosnia.

The compromise we reached retains the position of the House that we bring our forces out of Bosnia by June 30, but the President can waive that requirement if he certifies to the Congress the forces must stay in the interest of our national security.

The President must also inform the Congress on seven points: First, the reasons for the deployment; second, the number of personnel to be deployed; third, the duration of the mission; fourth, the mission and objectives; fifth, the exit strategy for U.S. forces; sixth, the costs for operations past June 30; and seventh, the impact on morale and retention.

This certification to Congress will constitute the first time this President has informed the Congress about Bosnia before deploying or extending our forces there.

I want to recognize the leadership of my good friend from Kansas, Senator PAT ROBERTS, who contributed to our discussions in the United Kingdom following the visit he made to the continent. And it was his ideas that he passed on to me that really led to the compromise that we have reached in this conference.

The Congress and the American people, Senator ROBERTS told me, deserve to know why our forces are in Bosnia and how long they must stay. The provision in this bill requires such a statement.

The President is also expected to submit a supplemental appropriations request for additional amounts needed to maintain our forces in Bosnia if he decides to keep them there without damaging the readiness or the quality of life of our Armed Forces.

Virtually every program funded in this bill when we originally passed it the House and the Senate were funded differently. And ultimately we had to find a compromise level between those two bills. We actually had to eliminate some $4.5 billion of items that were funded in one bill or the other.

Let me point out just some instances.

In the case of the Dual Use Applications Program, we sustained the full $125 million that was provided by the Senate. That is $25 million more than the House had provided.

On ACTD's, we reached an even split with the House, which provides $81 million—nearly a 50 percent increase compared to the level appropriated for fiscal year 1997.

For overseas humanitarian, disaster, and civic aid, we again split the difference with the House providing $47 million.

One program where we sustained the full administration request is in the Cooperative Threat Reduction Program, known as the ''Nunn-Lugar'' initiative.

Secretary Cohen made the strong plea for the full $382 million sought by the President, and we have convinced the conference to accommodate that request.

I again want to thank all conferees on both sides, and especially the House Chairman, Congressman BILL YOUNG, and the ranking member, Congressman JACK MURTHA.

I feel very proud about the work that was done by the conference working as a team.

I urge all Members of the Senate to vote in favor of approving the conference report before the Senate.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I rise this moment to express my complete support for the conference report on the defense appropriations bill for fiscal year 1998.

As Chairman STEVENS noted, this bill is within the budget allocation provided by the committee for defense funding.

The amounts provided represents an increase of $5.4 billion, 2 percent above the amounts available during the current fiscal year.

Mr. President, it is my view that this increase is very modest, and is fully justified under the circumstances.

The increase is necessary to allow us to continue to modernize our forces, to protect readiness, and to fully fund a 2.8-percent cost-of-living increase for our men and women in uniform. And it allows us to protect the priorities of the Members of the Senate.

This conference agreement is a compromise which I believe all Members should support.

The bill was passed by the House with two controversial matters to which the administration strongly objected to—the B–2, and Bosnia. This conference report has dealt with those matters to the satisfaction of the administration.

On the B–2 bomber, the conferees have provided the President with $331 million to begin the purchase of additional B–2 bombers. However, it is up to the President to determine whether to buy more aircraft, or to upgrade the existing fleet of B–2 bombers. Mr. President, I for one hope the President chooses to buy more B–2's. But here the choice is his.

On Bosnia, the conferees agreed that consistent with the current plans of

the administration all United States troops be removed from Bosnia by June 30th of next year. However, if the President certifies that it is in our national interest to maintain our presence in and around Bosnia, he can waive the restriction by consulting with and informing the Congress of his decision. And should the President decide to keep the forces in Bosnia, as Chairman STEVENS noted, he shall submit a supplemental, if additional funds are required to pay for this deployment.

Mr. President, this is an agreement which can be supported by both the Congress and the President.

We should be grateful to Chairman STEVENS and the House conferees for negotiating this very workable compromise.

I would like to also mention the hard work of the staff under the staff director, Mr. Steve Cortese, and on the minority side, Mr. Charlie Houy.

Mr. President, I think it should be noted that the staff worked long hours—in one instance throughout the whole night—to ensure that this conference report was completed before the end of this fiscal year. I believe that the Senate owes them its gratitude for their efforts.

Mr. President, this is a good conference report. I urge all my colleagues to support its adoption.

Once again, may I express to my colleagues my great pleasure in being able to serve them, together with Chairman STEVENS. We are fortunate to have Chairman STEVENS at the helm.

Thank you, Mr. President. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I thank the distinguished Chairman of the Appropriations Committee, and ranking member. Everyone involved in our military and our national security owes Senator STEVENS and Senator INOUYE a depth of gratitude for their outstanding leadership.

Mr. President, I rise in strong support of the provisions contained in the defense appropriations bill—so kindly referred to by the chairman as the Roberts amendment—that will force the Clinton administration to clearly and articulately justify our policy in the use of military forces in Bosnia. Additionally, Mr. President, these provisions will also force Congress to debate the Bosnian dilemma and our policy in that shattered region.

These provisions are about being honest with the American public.

Specifically, these provisions require the President to certify to Congress by May 15 of next year that the continued presence of U.S. forces in Bosnia is in our national security interests, and why.

He must state the reasons for deployment, and the expected duration of deployment.

He must provide numbers of troops deployed, estimate the dollar costs involved, and give the effect of such deployment on overall effectiveness of our U.S. forces.

Most importantly, the President must provide a clear statement of our mission, and our objective.

And he must provide an exit strategy for bringing our troops home.

If these specifics are not provided to the satisfaction of the Congress, funding for military deployment in Bosnia will end next May.

Let me repeat: We are requiring the administration—and, yes; the Congress—to clearly articulate our Bosnia policy, justify use of military forces, and tell us when and under what circumstances our troops can come home.

That is not asking too much.

In my view, events of recent weeks make this an urgent matter. It has become increasingly clear to me that in the wake of the Dayton accords, and after drifting for months, and with elections on the near horizon and the crippling winter only weeks away, the United States went from peacekeeping to peace enforcement with what I consider to be dubious tactics.

Troop protection, refugee relocation, democracy building, economic restoration, and, oh, by the way, if we run across a war criminal let's arrest him. Those goals have been replaced.

So today we see increased troop strengths—perhaps up to 16,000—we have picked a U.S. candidate in the election process, we have embarked upon an aggressive disarmament and location, and capture and prosecution of war criminals.

Is this mission creep, or is it long overdue action, Mr. President? And will these goals accomplish realistic progress?

Item: The world was treated to the spectacle of American troops, the symbol of freedom's defenders, taking over a Bosnia television station in an effort to muzzle its news. The troops were stoned by angry citizens. We gave the TV station back.

Item: In the country where benevolent leaders are scarce, we have chosen up sides, supporting the cause of one candidate over another. It is a cynical approach, it seems to this Senator, to foreign policy that says to the world, ''Sure, he—or she—is a dictator, but he's our dictator.'' At least for the time being.

Item: Elections were conducted but to cast ballots—listen up—to cast ballots many citizens had to be bussed back to their homes, which they cannot now, or may never, occupy to vote for officials who will never serve unless SFOR stands at the ready.

In the Civil War in the United States, Quantrill's Raiders sacked Lawrence, then fled to Missouri. Should his ruffians have been bussed back to Lawrence to vote for city council? That makes about as much sense.

Item. A United States diplomat overruled a Norwegian judge, whose decision disqualified candidates with ties to indicted war crime suspect Radovan Karadzic. Members of the group overseeing the elections threatened to resign. Posters of Elmer Fudd—I am not making this up. That's right, the cartoon character Elmer Fudd sprouted up as a protest to ''free'' elections by one faction.

NATO forces, which include U.S. troops, have been cast into the role of cops on the beat chasing war crimes suspects. Just arrest Mr. Karadzic, we are told, try him for war crimes, and our problems will be solved.

Mr. President, as the New York Times pointed out recently, much as we do not like it, ''Mr. Karadzic reflects widely held views in Serbian society.'' Those views are real.

Do these events reflect a sound, defensible Bosnian policy that is in our national interest? Or do they sound an ominous alarm as America is dragged down into a Byzantine nightmare straight out of a Kafka novel?

I visited Bosnia, like many of my colleagues. I talked with the troops in August, met with the officers, met with intelligence officials. They are outstanding individuals. They deserve our support, our respect, our gratitude. They are doing an outstanding job, Mr. President, even though they have not been given a coherent mission.

Just this past week, Gen. Hugh Shelton, our outstanding nominee for Chairman of the Joint Chiefs of Staff, was asked at his confirmation hearing by Senator MCCAIN of Arizona whether there is a strategy to remove United States troops from Bosnia, and the general was stumped. Let me repeat that. The general admitted he was aware of no exit strategy by the administration. That awareness is repeated in Tazar, Mr. President, which is our staging base in southern Hungary, 7 days in for our troops and 7 days out. We have no clear idea of how to extract them.

If the provisions of this bill do nothing else, they should force a major reexamination of our Bosnian involvement from top to bottom.

Now, our former Secretary of Defense, Casper Weinberger, articulated six conditions for military intervention, Mr. President. I repeat them here today just to show how much our Bosnian policy is lacking. He said troops should be committed only when the following things happen: No. 1. Vital national interests are threatened. I do not think that is the case in Bosnia. The United States clearly intends to win. We did win. We stopped the fighting. But the political settlement is contrary to the means by which we stopped the fighting. We separated the ethnic groups. Now we are trying to put them back together again. The intervention has precisely defined political and military objectives. As the former Secretary of Defense said, there is reasonable assurance that intervention will be supported by the American people and the Congress. The commitment of American forces and their objectives can be

reassessed and adjusted, if necessary. And, finally, Secretary Weinberger said this: The commitment of forces to combat is undertaken as a last resort.

As Chairman STEVENS will tell you, our involvement in Bosnia has come at a large price. There are approximately 10,000 troops. I personally think it is closer to 16,000. That is nearly one-third of the 35,000 NATO troops involved. From 1996 to 1998, costs are estimated to be $7.8 billion—almost $8 billion. That figure, too, may escalate.

In justifying our policy in Bosnia, the administration must include a plan to fund the costs. Do they intend to take these rising costs out of the current defense budget, money we need for modernization and procurement and quality of life for the armed services to protect our vital national security interests? Or is the administration prepared to come clean and ask for the money up front?

Finally, I offer these thoughts. All of us in this body, and I know President Clinton, Secretary of State Albright, Secretary of Defense Cohen, all of us, desperately want lasting peace in Bosnia—all of our allies as well. We want the killing to stop. We have stopped the killing. We want stability in that part of the world, permanent peace and permanent stability. But wishing it does not make it so.

Richard Grenier, writing for the Washington Times put it this way:

> Generally speaking, Serbs didn't love Croats, Croats didn't love Serbs, nor do either of them love Muslims. Reciprocally, Muslims love neither the Croats or Serbs. What happened to the lessons we are supposed to have learned in Beirut and Somalia? What happened to our swearing off mission creep?
>
> But here we go again in Bosnia. Once again, our goal was at first laudably humanitarian: to stop the killing. But it expanded as we thought how wonderful it would be if we could build a beautiful, tolerant, multiethnic Bosnia on the model of American multiculturalism.

I respond. The Bosnian situation is complex. It is shrouded by centuries—centuries—of conflict that only a few understand. What we have seen in recent months is a lull in the fighting, not the end. It is a fragile ''peace,'' held together only by a continued presence of military force. How long can that continue? Are we prepared to pay the price?

This week, National Security Adviser Sandy Berger said the United States must remain engaged in Bosnia beyond June of this year but that continued American troop presence has not yet been decided. It is time to decide.

Now, compare that statement with the advice of former Secretary of State, Dr. Henry Kissinger, who wrote just this week:

> America has no national interest for which to risk lives to produce a multiethnic state in Bosnia.

Mr. President, no more drift. No more drift. It is time for candor, for honesty and clear purpose. Let the debate begin.

I urge acceptance of these provisions. We owe them as a debt of honesty to the American people. We owe them to our military men and women with their lives on the line.

I yield the floor.

The PRESIDING OFFICER. The time yielded to the Senator from Kansas has expired.

Mr. INOUYE. Mr. President, I am pleased to yield 2 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island has 5 minutes of his own already.

Mr. INOUYE. Yes.

Mr. REED. I thank the Chair.

I rise to express my support for the defense appropriations conference agreement, and I commend my colleagues, particularly Senator STEVENS and Senator INOUYE, for their great work on this measure.

I am particularly pleased that an important provision in the conference report is language which will allow Newport News and Electric Boat, this country's only two manufacturers of submarines, to team together to design and build the next generation of attack submarines. Without this language, these shipyards and our submarine program could be endangered. With this language, however, we will continue to build the Navy's most valuable weapon, a silent and very effective submarine. Work will commence on the new attack submarines, which will boast great stealth and great strength with advanced war-fighting capabilities, yet will be smaller, more flexible and more cost effective.

This teaming agreement will preserve America's vital submarine industry base, which encompasses over 3,000 high-technology companies in 44 States. This conference report brings us one step closer to ensuring that the United States continues to maintain the finest submarine force in the world.

Since the first day I arrived in Congress, there has been a strong debate over the future of the U.S. naval submarine program. There are those who believe that the era of the submarine ended with the end of the cold war. But a majority of my colleagues and I believe that our submarine fleet needs to be maintained and modernized and that it will serve us as well in the future as it has in the past.

In a time when the mission of our armed services is constantly changing and a threat could emerge anywhere in the world, we need such flexibility. I think it is fitting to note the comments of our respected Chairman of the Joint Chiefs of Staff, Gen. John Shalikashvili, on the eve of his retirement. General Shalikashvili said, ''Submarines are an integral part of U.S. global influence and presence. Their stealth and endurance provide the unified commander enormous capabilities across the full spectrum of conflict.''

I believe that the provisions in this defense appropriations agreement indicate that the submarine has proven itself. This legislation allocates scarce defense dollars to build up the submarine industrial base, to procure new torpedoes, to procure new submarine periscopes, and to assure excellent training programs for our submarine crews. This agreement will provide funding for the completion of the *Seawolf* program and for the first new attack submarine.

This report shows support for the submarine procurement program as well as a logical and cost-effective way to harness the expertise and skill of our Nation's submarine builders.

I would like particularly to again thank Chairman STEVENS and Senator INOUYE for their continued support, Senator WARNER for his efforts on the committee, and all of those who have played a critical role in ensuring that our submarine fleet will continue to be the finest in the world, that our sailors will go forth with the best ships in the world and that with their service and these ships we will continue to protect America and defend our principles.

I thank the Senator for the time. I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. COATS. Mr. President, I think under the previous order I am to be recognized for 15 minutes.

The PRESIDING OFFICER. The Senator from Indiana has 15 minutes under the previous order and is recognized.

Mr. COATS. Mr. President, I rise to address this question of the defense appropriations bill with some degree of disappointment.

First of all, I am disappointed that an appropriations bill is going to be passed out of this Congress ahead of the authorization. That is not the way it is supposed to work. It renders much of the work done by the authorization committee this year of no effect in some of the critical areas. I do not blame the Appropriations Committee, however. There are 4 days remaining before the end of the fiscal year. The clock is ticking. Senate Armed Services and the House didn't get the job done in time, and the Appropriations Committee was patient in giving us that time. I regret that we were not able to get our authorization act together. So I am not here to condemn the Appropriations Committee.

I do, however, want to express my disappointment, sincere disappointment, that as chairman of the Air and Land Subcommittee the actions that we have taken in the Senate Armed Services Committee to address the question of TACAIR and where we are going in the future were forfeited in the negotiations with the House; that the Senate deferred to the House position particularly on the issue of F–22 funding, and I want to discuss that because there are consequences, I believe, to that decision.

First, a little bit of history.

Our committee withheld approximately $500 million in development and

advanced procurement funds, and I want to state the reasons why we did so. It was not done on a whim. It was not done on a number picked out of the air. It was done as a result of a process of our methodical oversight of the F–22 program that dates back at least to the 103d Congress.

Here are the facts. The F–22 program as we speak today is approximately $2.2 billion over budget for development alone. There is speculation that F–22 production could also run several billion dollars over program estimates. In fact, in just the last 2 years, the Air Force has cut the number of aircraft to be bought in the next 6 years from 128 to only 70, and yet there has been no decrease in program costs to the taxpayer or money freed up for Department of Defense expenditures in other areas. Yet we have not been told by the Air Force or the contractors how the F–22 program got to be in this situation.

Those of us on the Armed Services Committee felt it was time to definitively put this program on notice, and that is what we attempted to do.

Now, Mr. President, I say that as a supporter of the F–22. I think it is fair to say our committee is a strong supporter of the F–22. I have visited production facilities and engine facilities for the F–22. It is a leap ahead in technology. It lays the basis for our crucial joint strike fighter program. It will give us air dominance in the future. Had I thought that the actions we had taken in any way jeopardized further development of the F–22, I would not have considered them.

But to those who have argued that we must fully support the F–22 air dominance fighter because it is the No. 1 procurement priority of the Department of the Air Force without any questions, without any reservations, without any reports, without any event-based decisionmaking, I think those people are missing the point. They are missing the point of the consequences of doing so and the consequences to other systems.

Let me also say that I, in addition to supporting F–22, I support the importance of air dominance as a joint warfighting capability. But, we have to remember that the F–22 is just one piece of the Department of Defense TACAIR recapitalization strategy. We are acting like it is the whole thing.

As a matter of fact, the Navy's F/A–18E F is the Navy's No. 1 priority, and the Marine Corps has placed its priority on the joint strike fighter yet to be developed. So we are looking to balance our approach in joint warfighting capability across the full spectrum of military operations. If the F–22 program is not brought under control, it will severely jeopardize a prudent balance in TACAIR recapitalization.

So the issue before us is not support for the relative priority of the F–22 program. The issue before us is, does that support imply that we should blindly throw billions of dollars at the program without some accountability? The issue is the viability of the F–22 program, and it is exactly because of the high priority of the F–22 that we need to send a powerful message to the Air Force and to the contractors that the Senate is watching, that we are watching the restructuring, and we are watching for schedule slippage, and we are watching for cost overruns. It is time to hold F–22 to a realistic level of accountability. It is time to end the promises of performance and cost control and instead focus on results. We do so because we want to protect the F–22. We want it to be a viable program, and we do not want it to go the way of other programs that have not been held accountable.

So, therefore, I regret deeply that the Senate yielded to the House, that we were not able to get the authorization approved, that we yielded to the House in the appropriations process and we are simply giving the Air Force and giving the contractor exactly what they asked for without any explanations, without any details, and without any accountability features built in.

Let me explain a little bit about why the Armed Services Committee's actions on the F–22 are good policy.

In the National Defense Authorization Act for fiscal year 1995, the Senate requested the Department of Defense and the General Accounting Office assess and provide us a report on the degree of concurrency—that is the testing-while-you-are-buying process that goes on sometimes in these programs; you are buying the planes at the same time you are testing them; many of us would argue that you need to test first and make sure that what you are buying is what you think you are buying—and we asked them for this report on risk, also. In April 1995, we received those reports and the Department of Defense report concluded, just a little over 2 years ago, ''there is no reason, based upon risk/concurrency considerations to introduce a program stretch at this time.'' So we thought, fine, everything is on track.

At the same time the GAO conclude that the F–22 program involved considerable risk and that there may be adverse consequences from concurrent development and production. Furthermore, they felt the need for the F–22 program ''is not urgent,'' it quoted, based on the threat and viability of the F–15 program.

Then we went into 1996. We held hearings. In those hearings surfaced additional concerns about the level of concurrent production and development, projected F–22 weight and specific fuel consumption. We came back in the National Defense Authorization Act for 1996 to, once again, require the Department of Defense to respond to 21 specific questions. And they did respond and indicated, again, that the level of concurrency in the program was acceptable using departmental risk criteria.

In short, less than 2 years ago, the Senate was being told the program was on track, no problems. Now in 1997, we held hearings and surfaced still yet other concerns about the F–22's transition from this engineering, manufacturing and development phase to production, based on what one witness calls an ''event driven program that ensures that key production criteria are met as a prerequisite for production decisions.'' That gave us some assurance. Correspondingly, the Senate then included in the 1997 National Defense Authorization bill a requirement that the Department of Defense undertake a cost analysis and report on their events-based decisionmaking criteria.

We took them at their word. We said fine, give us a report. Within the last year, the Air Force commissioned a Joint Evaluation Team which concluded that the F–22 development program was $2.2 billion over cost, and that much more time would be needed for testing. This was the first time that we had been notified that the F–22 was in trouble, despite numerous years of hearings and reports back from the Air Force. So, based on this information the committee held—I chaired—two additional hearings in 1997, on tactical aviation. And we learned then that the Air Force canceled four preproduction vehicles that it previously indicated were a key to the program going forward. And then it took that money, $700 million, and put it back into development. This action, to infuse hundreds of millions of dollars into development, was taken by the Air Force again without specifying how the program had been changed, identifying cost-control measures, and describing the level of risk that remains. They have not told us how the program got in this shape. They have only told us that they have found the funds to fix it. They found the funds to fix it by canceling four preproduction aircraft, thereby jeopardizing a necessary step testing for most development programs, which they say now is not necessary, and taking that money and pumping it into engineering and manufacturing development.

They also promised that event-based decisionmaking would keep the F–22 program on track. We asked them to report on this aspect of the program. The Air Force said it would give us a report on it. They did. That report, 6 months late: 18 words. Here is the Air Force report. Specific exit criteria:

> First EMD aircraft first flight complete.
> Complete engine initial flight release.
> Air vehicle interim production readiness review complete.

What does that tell us? This is the report that it took them 6 months to put together to respond to what we asked for, what we thought was legitimate?

Furthermore, each of these three events were supposed to have been completed before the fiscal year even started. What kind of confidence does that provide, for a program with nearly $20 billion in development and well

over $40 billion in procurement? We are talking about $60 billion here. Consequently, the Senate Armed Services Committee came to the conclusion that, if tactical air modernization is going to be viable in the future from both a technical perspective and the perspective of affordability, that we had to take some action now in the F–22 program to achieve and ensure performance and cost-control goals. Therefore, I recommended to the Senate, and the Senate agreed, that we not permit the infusion of an additional $420 million into F–22 research and development until we understand how this program came to be in this present condition.

Some people are going to argue that these actions are too severe. But I think it is just the opposite. We believe the actions that we have taken help to ensure the program's success. Remember, this is just the development phase and it is more than $2 billion over budget. It was not that long ago that then Secretary of Defense Cheney canceled the Navy A–12 program because it was $1 billion over cost. Now we have a plane more than $2 billion over cost.

I have deep concern over whether we can maintain continuing support politically for the F–22 program here in Congress, and with the American people, if we cannot adequately address these cost overruns and explain to the American people that we are taking prudent steps to make sure that this does not continue. The steps that we have taken are not designed to put the program in jeopardy. They are designed to save the program. They are designed to demonstrate that we recognize there are problems and we must hold the contractors accountable.

We are told the Air Force and the contractors have this agreement. They don't have an agreement. All they have said is that they have agreed to agree; they have agreed to agree that there will not be any more cost overruns, that they will deliver on time. And I pray and hope—and maybe have some confidence—that they can do that. But the agreement has not been negotiated. It is not in print. It does not have signatures on the bottom line. And until it does, I think it is reasonable to withhold some funds so we know that those agreements are going to be guaranteed and performed.

What is in jeopardy if the F–22 does not get on track? I suggest four very important things. We may end up treating the F–22 like we did the B–2, producing far fewer than we need but only what we can afford, and then we have an inadequate tactical air program for the future. Also, we could lose support for the next aircraft carrier, the CVN–77. In fact, I believe it's the advanced procurement for the smart-buy initiative that was to save taxpayers $600 million on this carrier that was taken by the appropriators to fund the F–22. We may not get that carrier. Third, we may lose the Joint Strike Fighter. We cannot consider throwing more money at three TACAIR programs, given the low levels of procurement for land and sea systems. F–22 cost growth cannot be permitted to eat the lion's share of the funding pie. The Navy is absolutely counting on the Joint Strike Fighter to complement the F/A–18E/F. The Marine Corps has put their entire TACAIR future solely in the hands of the Joint Strike Fighter. If the Joint Strike Fighter does not come through on time, then we are going to have to radically rethink whether or not there will even be Marine Corps TACAIR in the future.

We all know that from a political standpoint there will not be a Joint Strike Fighter if we cannot control the F–22 cost. This places the Navy and the Marine Corps in deep jeopardy.

Finally, continued F–22 cost growth could rob funds from other key Air Force modernization initiatives, whether they be TACAIR, strategic airlift, or the communications and intelligence programs which the entire joint force will have to rely on for information superiority in the 21st century.

In short, we need to be confident and ensure ourselves that the F–22 program is under control. We don't know how else to get their attention. I found that the best way is to say: No performance, no money.

No, Mr. President, we did that some time back. We were confronted with a very similar cost and performance problem with the development of the C–17—a marvelous airplane, but they could not get their act together. So we told the manufacturer you either come in at cost or you are not going to building more planes. As a result, there was a huge banner erected in the production plant, which said, ''Build 40 at cost, or no more.'' Guess what, they built 40 at cost and now we have a multiyear procurement of 120 C–17's. This is a success story because Congress held the line, and I am disappointed that we have lost that opportunity with this action.

We should all ask ourselves whether the F–22 program would benefit from a similar policy from this body.

The PRESIDING OFFICER (Mr. ABRAHAM). The time of the Senator has expired.

Mr. DOMENICI. Mr. President, the pending conference report accompanying H.R. 2266, the Department of Defense appropriations bill, provides $247.7 billion in new budget authority and $164.7 billion in new outlays for Department of Defense programs for fiscal year 1998.

When outlays from prior-year budget authority and other completed actions are taken into account, the final bill totals $247.7 billion in budget authority and $244.4 billion in outlays for fiscal year 1998

This legislation provides for military pay, procurement, research and development, operations and maintenance, and various other important activities of the Department of Defense and the U.S. military services throughout the world. This bill provides for the readiness, current, and future weapons systems, and all the other necessities of our national defenses—except for military construction and Department of Energy atomic energy defense activities—that enable our Armed Forces to protect U.S. national interests at home and abroad. It is certainly one of the most important pieces of legislation that Congress passes each year.

The spending in this conference report falls within the revised section 302(b) allocation for the Defense Appropriations Subcommittee. I commend the distinguished chairman, the Senator from Alaska, for bringing this bill to the floor within the subcommittee's revised allocation.

The bill provides important increases over the President's request for 1998. It is fully consistent with the bipartisan budget agreement that the President and Congress concluded earlier this year. I urge the adoption of the conference report.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the conference report be placed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

H.R. 2266, DEFENSE APPROPRIATIONS, 1998—SPENDING COMPARISONS—CONFERENCE REPORT

[Fiscal year 1998, in millions of dollars]

	Defense	Nondefense	Crime	Mandatory	Total
Conference Report:					
Budget authority	247,485	27	.....	197	247,709
Outlays	244,167	31	197	.....	244,395
Senate 302(b) allocation:					
Budget authority	247,485	27	197	.....	247,709
Outlays	244,232	31	.....	197	244,460
President's request:					
Budget authority	243,700	27	.....	197	243,924
Outlays	243,874	31	.....	197	244,102
House-passed bill:					
Budget authority	248,111	27	.....	197	248,335
Outlays	244,527	31	.....	197	244,755
Senate-passed bill:					
Budget authority	246,988	.....	.....	197	247,185

H.R. 2266, DEFENSE APPROPRIATIONS, 1998—SPENDING COMPARISONS—CONFERENCE REPORT—Continued

[Fiscal year 1998, in millions of dollars]

	Defense	Nondefense	Crime	Mandatory	Total
Outlays	244,185	7		197	244,389
Conference Report compared to:					
Senate 302(b) allocation:					
Budget authority					
Outlays	−65				−65
President's request:					
Budget authority	3,785				3,785
Outlays	293				293
House-passed bill:					
Budget authority	−626				−626
Outlays	−360				−360
Senate-passed bill:					
Budget authority	497	27			524
Outlays	−18	24			6

Note: Details may not add to total due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. DORGAN. Mr. President, I rise to speak in strong support of the Defense appropriations conference report, which the Senate is now considering.

The distinguished chairman and the distinguished ranking member, Senators STEVENS and INOUYE, working with our House counterparts, have done a remarkable job in fashioning a truly balanced bill that will meet our Nation's security needs for the 21st century. I would like to salute Senators STEVENS and INOUYE for their leadership and skill in balancing the competing needs of our Nation's military.

I also would like to thank the chairman and ranking member for working with me to address some Defense issues that are of a very high priority to North Dakota. Let me just highlight some of these matters.

B–52 BOMBERS

First, this Defense spending bill provides an additional $57.3 million above the administration's budget request to fully fund our Nation's fleet of B–52 bombers. My colleagues will recall that we deployed 66 B–52's during Operation Desert Storm, and that these planes dropped 40 percent of the ordnance dropped by allied forces during the Persian Gulf war. Yet the administration has consistently recommended sending 23 of these valuable planes to the boneyard. I am pleased that the bill now before us specifically rejects that suggestion.

As those who fly B–52's out of Minot Air Force Base know, the B–52 is a highly capable bomber, one that can continue to contribute to our national defense through at least 2030. Nearly every part of the B–52 has been replaced or modernized, and we have spent over $4 billion in recent years to upgrade and update these planes. The B–52's that entered service in the 1960's still have only about one-third of the flight hours of the average 747 now in commercial service.

If we were left with 71 B–52's, only about 44 of the aircraft would be combat-coded, making it impossible for us to repeat the B–52's gulf war performance in any future regional conflict, much less hold some in reserve for a second regional conflict or a nuclear role.

Lastly, to retire strategic bombers would reduce Russia's incentives to ratify the START II Treaty. This major arms control agreement will help us achieve greater strategic stability. But we should not throw away bargaining chips before the Duma acts to approve START II.

AIR BATTLE CAPTAIN

In another area of interest to my State, this bill provides $450,000 for the Air Battle Captain Program at the University of North Dakota's Center for Aerospace Sciences. Most importantly, report language accompanying the bill also directs that the program continue to accept new students. The Air Battle Captain Program trains helicopter pilots for the Army efficiently and cost effectively, and most of its graduates have gone on to become Army aviators. When the graduates reach Fort Rucker, they arrive as commissioned second lieutenants and are able to forego the primary flight training, thus enabling the Army to assign them to combat units 8 months ahead of their contemporaries.

FLOOD RELIEF

As my colleagues will recall, this spring the Red River Valley suffered its worst flooding in recorded history. When the water finally won, a 500-year flood emptied Grand Forks, ND, a city of 50,000 people, and sent 4,000 residents to the Grand Forks Air Force Base for shelter. Many of the base personnel who fought the flood for weeks, and who hosted evacuees when the flood water breached the dikes, were themselves flood victims. Over 700 military personnel were forced to evacuate during this disaster. And 406 service members have suffered losses to personal property, including 95 families whose homes were extensively damaged.

This Defense appropriations bill ensures that these personnel will not be victims of unintended discrimination as well as flooding.

If these service members had lived on base, they would be eligible to file a claim with the Department of Defense for losses incident to service. The Air Force pays such claims pursuant to section 3721 of title 31 of the United States Code. But as the law now stands, military personnel living off base are not eligible to file such claims, even though they are stationed at Grand Forks Air Force Base as a result of their military service.

Section 8120 of the bill would simply permit the Air Force to reimburse these service members for their losses despite the fact that they lived off base. The bill makes available up to $4.5 million of the funds already available to the Department of Defense for paying claims.

Let me assure my colleagues that section 8120 supplements private insurance and benefits provided by the Federal Emergency Management Agency. Air Force practices and FEMA regulations prohibit duplication. Service members with private insurance will have to file claims against that insurance before the Air Force will pay claims under this provision.

LEADERSHIP AND HARD WORK

Mr. President, none of these aspects of the bill would have been approved by the Senate or would have survived conference with the House were it not for the support and leadership provided by the distinguished chairman of the subcommittee, Senator STEVENS, and the distinguished ranking member, Senator INOUYE. I would like to acknowledge their willingness to help in these areas and to thank them for their assistance.

Let me also take this opportunity to put in a good word for the hard-working staff of the Defense Appropriations Subcommittee. My thanks and congratulations go in particular to Senator STEVENS's able lieutenant, staff director Steve Cortese, and to Charlie Huoy, who handles these issues for Senator INOUYE. And I am also grateful for the skilled efforts of Susan Hogan, John Young, Mazie Mattson, and Emelie East.

I urge my colleagues to support this conference report. Thank you, Mr. President. I yield the floor.

BOSNIA POLICY

Mr. BYRD. Mr. President, the President's National Security Advisor, Mr. Sandy Berger, two days ago made an important statement on U.S. policy toward Bosnia, in particular the question of keeping United States' ground forces in the region beyond June of 1998, in order to keep the peace in an area where political reconciliation has lagged behind the actual military separation of the opposing forces. It is not surprising that political, economic and social reconciliation would proceed at a pace commensurate with the levels of extensive brutality and violence which characterized the Bosnia conflict prior

to the introduction of U.S.-led NATO forces two years ago. In what might be characterized as a trial balloon, Mr. Berger stated, according to the New York Times of yesterday, September 24, 1997, that the ''international community'' will be required to ''stay engaged in Bosnia in some fashion for a good while to come.''

The question is for how long should the United States remain while expending billions of defense dollars and risking the erosion of U.S. readiness by tying our forces down in Bosnia? The problem, as I see it, is that our European partners have said that they will not remain on the ground in Bosnia unless the United States does, and when we leave, they will. I find this to be a very unreasonable position, in that Bosnia is not paramount in the vital interests of the U.S., and at some point our European allies should consider taking the responsibility for acting as the military security force in that European country. This is not to say that the U.S. could not provide continued logistical, intelligence, and other supporting roles while the Europeans take their turn at bat in Bosnia.

I call the attention of my colleagues to the provision in the Department of Defense conference report, Section 8132 which requires the President to certify, by May 15, 1998, his intentions regarding keeping our forces in Bosnia on the ground beyond June 30, 1998. The certification must include the reasons for the deployment, the size and duration of the deployment, the missions of our military forces, the exit strategy for our forces, the costs of the deployment, and the impact of it on the morale, retention, and effectiveness of U.S. forces. This is a very good, very complete provision, and it will trigger a debate, as it should, in this body, regarding the future policy of the United States in Bosnia.

Mr. DODD. Mr. President, I rise today in support of the Defense Appropriations conference report. First, I'd like to recognize Senator STEVENS and Senator INOUYE for the fine work they did in working through the conference issues with their House counterparts. I think that after this vote, it will be clear that the vast majority of this body supports the balance this report strikes between the changing needs of our Armed Forces and the constraints imposed by necessary spending reductions.

I felt that the conferees made the right decision by endorsing the submarine teaming agreement. That endorsement ends the costly battle between our two submarine builders, saves the taxpayers money, and preserves competition in the research and development phase of submarine building. While some oppose this plan, no one argues the point that this agreement will save the Navy hundreds of millions of dollars over the building plan contained in last year's bill. Furthermore, this plan maintains competition for new ideas on how to improve the new attack submarine. In sum, we have two fine shipyards working together overall to decrease the cost to taxpayers even while they compete on sub-systems to ensure continued technological advancement.

On a related matter, I'm heartened to see that this report provides funding to complete the *Seawolf* submarine program. This building program has clearly undergone radical changes as a result of the end of the cold war. At one point, this nation expected to build 30 *Seawolf*-class submarines and now that number has been reduced to just 3 in favor of the less-costly new attack submarine. So this Nation has already throttled back in terms of its submarine plans; now it's time to move forward with our new plan.

This conference report also increases the number of Blackhawk helicopters to 28, 10 more than the President requested. And it asks for two navy CH–60 helicopters as well as advance procurement money for that Navy version of the Blackhawk. These additional aircraft reveal once again that the Blackhawk is this Nation's most capable helicopter. Derivatives of this helicopter are at work for nearly every branch of the U.S. Armed Forces as well as 15 foreign countries. As capable and versatile as these helicopters are, however, National Guard adjutant generals throughout the country remind us year after year that they do not have enough. In fact, a conservative reading of the numbers reveals that the National Guard has a shortfall of over 400 Blackhawks. Meanwhile, the production line for these aircraft will shut down in a couple of years. The plan for coping with that shortfall is to rely on Vietnam-era UH–1 helicopters as we move into the next century. Frankly, as the National Guard stands at the front line of defense against devastating natural disasters, they deserve better. I hope the President's next budget request reflects their requirements.

On a brighter note, this committee made the tough decisions between modernizing military equipment and cutting costs. I was glad to see that the committee agreed with the Defense Department's requests for the C–17 cargo aircraft, the F–22 program, and the emerging Comanche helicopter program. These prudent decisions in support of cost-effective programs will provide vital support for our military forces well into the 21st century.

Finally, Mr. President, let me congratulate the conferees on completing this bill, the largest of the 13 appropriations bills, before the end of the fiscal year. There was a lot of hard work in negotiations that allowed this bill to move forward and I'm sure that this body and the Nation appreciates their efforts.

Mr. STEVENS. Mr. President, I have 8 minutes, roughly. I yield 4 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for up to 4 minutes.

Mrs. HUTCHISON. Mr. President, I thank the chairman, Senator STEVENS, and Senator INOUYE, for producing a defense appropriations bill that will fund the defense needs of our country. It will create a quality of life improvement for those who are serving in our military, and it will give us, to the extent that we can, the equipment that we need for our young men and women to do this job.

I want to point out particularly one part of this bill that I think is a major step for this Senate and for our country. That is the part that provides for a cutoff of funds for the Bosnia deployment after June 30, 1998, unless the President comes to Congress 45 days before that time and shows us exactly why he would want to extend the forces, how much it would cost, what it is going to do—what the mission is, and what the exit strategy is. This is what we have been asking the President for, for 2 years.

When we started this deployment over the objections of many of us in this Congress, it was for 1 year, from November 1995 to November 1996. Then the continuation came with very little consultation from Congress, certainly no previous consultation, and we started in January 1997 until now; it was set for June 1998. But even today the New York Times editorialized, ''Still No Exit Strategy on Bosnia.''

Congress is saying to the President, we want to see an exit strategy. Many of us are concerned that we are drifting into a potential commitment that we do not understand, that the American people do not understand. They do not see a need for it because they don't see the strategy. It seems, if you are looking at Bosnia, that the military mission is to keep the parties apart. But the political mission is to bring them together, perhaps bring them together prematurely.

I have been to the Balkans six times. I was there in August. I walked on the streets of Brcko. I talked to the Serbs. I talked to the Muslim residents. I asked them if they were helping each other move into the neighborhoods to bring the refugees back. They acted like the others weren't there. They are not helping each other. They are not ready for this move. If we are going to try to continue to force this resettlement, is it an inherently peaceful move? Or are we disrupting the peace that we would like to put into Bosnia today?

Mr. President, I think what this bill does is say, once and for all, we are going to have consultation. We are not going to allow a mission creep, such as we have seen in Somalia. We are not going to allow a mission creep, such as we have seen in Vietnam. We are not going to allow our young men and women, who are serving in Bosnia, to give their lives before we have a policy in this country about what our mission is there. We are going to do it, I hope, in the light of day, taking into consideration what the U.S. security interest

is, what it is going to cost us, what our relationship is to our allies.

These are the questions we must address before we put our young men and women into a mission that has no end.

So, Mr. President, I commend the leaders of the armed services and Defense Appropriations Subcommittee. I am on that subcommittee. Under the leadership of Chairman STEVENS and cochairman, Senator INOUYE, with Senator PAT ROBERTS, with Senator RUSS FEINGOLD, we are trying to fashion a policy that the American people will agree is the right policy for our country.

Mr. President, I ask unanimous consent that the New York Times editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

STILL NO EXIT STRATEGY ON BOSNIA

Having already stretched America's troop commitment in Bosnia from 12 to 30 months, the Clinton Administration has begun an effort to prepare public opinion for the possibility of an even longer stay. That is the way to read Samuel Berger's speech at Georgetown University on Tuesday, when he linked the duration of American involvement to a notably ambitious set of policy goals. Mr. Berger, the President's national security adviser, is too hasty. Instead of managing the public relations of a longer stay, he should be using the time to try to produce a workable exit strategy by the June deadline.

Everyone wants to unified, democratic and prospering Bosnia. But Congressional Republicans are right to warn that American soldiers cannot remain deployed until that goal is fully achieved. What was regrettably absent from Mr. Berger's speech was any sense of driving toward departure. It is clear from the speech that Mr. Berger and Secretary of State Madeleine Albright plan to spend the time between now and June urging President Clinton once again to push back the withdrawal deadline.

Lack of an exit strategy has been a consistently troubling omission ever since Mr. Clinton first sent American troops into Bosnia at the end of 1995. On Tuesday, Administration officials spoke about the need to begin planning by February for the next phase of military involvement. By our calender it is still September, and such a focus on the hypothetical future is premature. The Administration has nine months to clarify the specific military talks that need to be accomplished before Bosnia is secure enough to allow a full American withdrawal. Senator Kay Bailey Hutchison speaks for many Republicans and, no doubt, a number of Democrats when she warns the White House that without such an exit strategy, Congress will fight any extension requests.

Common sense argues against igniting a renewed war in Bosnia by precipitously withdrawing NATO troops. We readily concede that withdrawal deadlines cannot be set in cement without regard to protecting the progress that has already been made. Future events could even warrant an extended presence. But the Administration is tilting the wrong way, and the current mindset of Mr. Clinton's foreign-policy team suggests that it will not discover a way out in the absence of a Congressional revolt.

When Mr. Clinton first proposed sending American troops to Bosnia, skeptics argued that guaranteeing full respect for the Dayton peace agreements could take decades. The Administration countered that all it meant to do was give the Bosnians a year to build the peace outlined at Dayton. As that one-year deadline approached, the White House gave the original mission a new name and extended if for 18 months. Now, as the Administration seems to be preparing for yet another extension, Congress may have to force it to show that fundamental American interests require a continued military presence in Bosnia.

The two strongest arguments for staying are the persistence of deadly hatreds that could spark renewed hostilities once outside troops withdraw and the statements by various European governments that once American troops depart, their troops will be withdrawn as well. But the irresponsibility of Bosnian fractional leaders and European allies should not push Washington into an expanded definition of America's own vital interests.

The United States has all along had a limited interest in Bosnia, consisting mainly of preventing the slaughter of civilians and preserving the unity and effectiveness of the NATO alliance. Beyond that there are some desirable goals, like bringing war crimes suspects to trial and allowing refugees to return to their homes. These warrant strong diplomatic exertions, supplemented, at least through June, by carefully planned military actions. There is a lot NATO troops can still do in this regard before their currently scheduled withdrawal date.

Building a united and peaceful Bosnia is ultimately up to the people of Bosnia. Policing Europe in the absence of acute threats like shooting wars is primarily the responsibility of European nations themselves. If the Bosnians will not work together and the Europeans will not shoulder greater security responsibilities on their own, the breach cannot be filled indefinitely with American troops.

Mr. FEINGOLD. Mr. President, I would like to join the Senator from Texas [Mrs. HUTCHISON] in highlighting the provisions in Department of Defense appropriations bill, as agreed to in conference, concerning the deployment of United States troops in Bosnia.

The conferees agreed to include—in legislative language—a provision that stipulates that no funds may be made available for the deployment of United States ground forces in Bosnia after June 30, 1998—a date the President himself has specified—unless the President submits to the Congress a certification that the continued presence of our troops is necessary to protect our national security interests. In this certification, the President will have to justify for the Congress and the American people the reasons for such determination and specify details concerning the deployment. These include: the number of military personnel to be deployed, the expected duration of the deployment, the mission and objectives of the deployment, and the exit strategy for the U.S. forces who have been deployed.

But most importantly, Mr. President, President Clinton will have to detail the costs associated with any deployment after June 30, 1998. This is perhaps the most troubling aspect of our involvement in Bosnia. After originally being told that the mission would cost the American people some $2 billion, recent estimates indicate that we will soon have spent well over $7 billion to deploy U.S. troops. Mr. President, that is more than a threefold increase. With the language included in the bill before us today, the administration will now have to be much more clear about the potential costs of continuing deployment in the region. I think this is vitally important so that we, the Members of the U.S. Congress, and the American people we represent will have a better idea of the financial implications of a mission that I feel has already gone on much too long with too little to show for it.

Because of my concerns about this mission, concerns which I have detailed on the Senate floor many times before, I have joined with the Senator from Texas [Mrs. HUTCHISON] in developing a Senate Bosnia Working Group. She and I both feel that it is time to think about what policy alternatives we may have with respect to U.S. involvement in the Balkans.

The compromise language arrived at by the conferees, while perhaps not as strong as I would have liked, hopefully represents a first step toward the development of a policy that we can all be more comfortable with.

So Mr. President, I thank all the conferees for their efforts in this area.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, I yield the Senator from Virginia 4 minutes, but I might say, Mr. President, to the Senator from Arizona, we thought he might proceed first. If he doesn't use all his time, there will be more time for us.

Mr. MCCAIN. Mr. President, I thank Senator STEVENS and Senator INOUYE.

I have the usual objections. One of them is particularly egregious: $250,000 to transfer commercial cruise ship shipbuilding technology to U.S. Navy shipyards and to establish a monopoly for a single cruise line in the Hawaiian Islands, for which there is a competitor already who wants to compete there. The people who tour the Hawaiian Islands and who live there are going to pay for that. I find it regrettable.

Mr. MCCAIN. Mr. President, the effects of over 10 years of cuts in defense spending are being acutely felt by the men and women who serve in uniform. Enough has been said on this floor about issues like pilot retention, maintenance backlogs and modernization problems all caused by the confluence of declining resources and high operational temmpos that I will not dwell on them here today. Suffice to say, I applaud the decision by Congress to add $3.6 billion to the amount allocated for national defense reflected in the legislation before us today. The defense appropriations bill rightfully addresses some of these problems with funds added during congressional budget negotiations earlier this year.

The examples of waste, as usual, are many. I'm not sure whether I should be nervous about an imminent threat to our national security from another

solar system or galaxy. What or who is out there that warrants over $3.5 million in unrequested funds being added to the defense budget for the Sacramento Peak Observatory and the Southern Observatory for Astronomical Research? I am cognizant of the very real risk that Earth may someday be threatened by a comet or asteroid, but this is a problem already receiving ample attention from the scientific community using other federal and private dollars. I question whether we should be using defense dollars to fund these observatories.

I have to confess to also being concerned about the increasing amount of defense dollars being earmarked for medical research programs despite the fact that the National Institutes for Health exists precisely to perform such research. Each area of research, whether diabetes, prostate cancer or HIV, carries with it an entirely sympathetic constituency for whom my heart goes out. That does not, however, justify the cynical use of defense dollars to conduct such research. To oppose this spending sets one up at as heartless. After all, who could oppose medical research. That, however, is precisely why Members of Congress like to use the defense budget: opponents of these earmarks risk antagonizing people suffering from serious illness or who have relatives with these afflictions. The point has to be made, however, that medical research not related to military service belongs with NIH—not DoD.

Mr. President, the tortuous process through which Members of Congress contort themselves to conjure up national security rationalizations for parochial projects is absurd. It degrades this institution and further undermines public confidence in their elected officials. The $8 million in this bill for the Pacific Disaster Center is a case in point, as is the $9 million for the Monterey Institute for Counter-Proliferation Analysis. The latter is illustrative of the growing trend toward establishing endless numbers of research institutes irrespective of the existence of other centers and government agencies already performing such work.

It is in this light that I find particularly disturbing the inclusion in this bill of $3 million for the establishment of a ''21st Century National Security Study Group.'' Neither House nor Senate bill included this item, but suddenly it finds itself in the Conference Report. Not only is this group wholly unnecessary—after all, how many more such studies do we really need, especially given the number produced without federal dollars—but it was never even brought before either chamber of Congress prior to now.

This is ridiculous. What possible practical utility can this study group have? Is Congress so enamored of insinuating itself into the process of formulating our National Security and Military Strategies that it needs to mandate that some smart people get together and do what they're already doing in Department of Defense doctrinal and warfighting centers and research institutes all over America? Perhaps our counterparts in the House where I understand this program originated have lost sight of why they are here.

I do not know why the defense appropriations conference report includes $5 million to expand the North Star Borough Landfill; $20 million not requested by the Defense Department for an integrated family of test equipment; $50 million—$50 million—for an Industrial Modernization program to assist in the commercial reutilization of government industrial complexes no longer used by the government. Local government and chambers of commerce have been performing this task just fine throughout the base closure process. Similarly, why do the communities surrounding Fort Ord and San Diego get a combined $15 million in defense conversion money earmarked in this bill? Was it necessary to double the amount requested for the Young Marines program? Should Congress really be in the business of legislating monopolies for individual cruise ship lines, as is done in this bill?

This body has important business to which it must attend. I believe I have made my point. I won't even dwell on the $100,000 in the bill to preserve a Revolutionary War-era gunboat located at the bottom of Lake Champlain. There isn't time. Mr. President, the hemorrhaging of defense dollars for nondefense and highly questionable purposes is inexcusable during a period when we are struggling with vital questions of long-term military readiness. I hope to live to see the day Members of Congress see the light and cease this destructive practice of filling appropriations bills with garbage. It just has to stop.

I ask unanimous consent that a list of objectionable provisions in the bill be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

OBJECTIONABLE PROVISIONS IN H.R. 2266, CONFERENCE AGREEMENT ON FISCAL YEAR 1998 DEFENSE APPROPRIATIONS BILL

BILL LANGUAGE

$35 million earmarked for the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund.

Section 8009 mandates that funding be available for graduate medical education programs at Hawaii-based Army medical facilities.

Section 8030 prohibits the use of funds appropriated in the bill to reduce or disestablish the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, based at Keesler Air Force Base, Mississippi.

Section 8056 sets aside $8 million (unauthorized) for mitigation of environmental impacts on Indian lands.

Section 8078 requires the Army to utilize the former George Air Force Base.

Section 8097 directs a $13 million grant to the Intrepid Sea-Air-Space Foundation to refurbish the U.S.S. Intrepid.

Section 8099 compels the Air Force to send its officers through Air Force Institute of Technology irrespective of cost relative to civilian institutions.

Section 8109 earmarks $250,000 to transfer commercial cruise ship shipbuilding technology to U.S. Navy shipyards and establishes a monopoly for a single cruise line in the Hawaiian islands.

Section 8130 earmarks $3 million for establishment of a ''21st Century National Security Study Group'' [NOT IN EITHER BILL]

Section 8131 establishes another panel to review the requirement for B–2 bombers, with an appropriation of unlimited funds as requested by the panel members.

REPORT LANGUAGE

$5 million is earmarked for the expansion of the North Star Borough Landfill.

The Department of the Air Force is ''urged'' to work closely with the William Lehman Aviation Center at Florida Memorial College.

$50 million is earmarked for projects and programs to convert former government facilities and complexes to commercial use.

$72 million is earmarked for the Youth Challenge, Innovative Reading Training, and Starbase Youth Programs.

$100,000 is earmarked for the preservation of a Revolutionary War gunboat discovered on the bottom of lake Champlain.

The Department of the Army is directed to re-award the Joint Tactical Terminal contract.

The Army is ''urged'' to allocate $750,000 to connect four historically-black colleges to the Army High Performance Computing Center in Minneapolis and provides an additional $500,000 for work stations at the colleges.

A Diagnostic Imaging Technology Center of Excellence is required to be established at Walter Reed Army Hospital and $4 million is earmarked for one particular program, all without benefit of competitive processes.

$3 million is earmarked for the Terfenol-D program, under the proviso that the work be performed in partnership with the National Center for Excellence in Metal Working Technology.

Conference report budget tables

[Procurement in millions of dollars]

Army	
C–XX Medium-Range Aircraft	23.0
UH–60 Blackhawk Mods	3.0
EFOG–M	13.3
MELIOS	5.0
All Terrain Cranes	8.0
Navy/Marine Corps	
CH–60 Helicopters	30.4
KC–130J Aircraft	120.0
AN/AAQ–22	2.0
Ground Proximity Warning System	4.0
Air Force	
B–2A Increase	156.9
WC–130J Aircraft	118.0
WC–130J Spares	14.8
GATM	17.5
F–16 OBOGS	1.1
U–2 Sensor Glass	24.0
U–2 SYERS	5.0
MEECN	8.5
Defense-Wide	
JSLIST Industrial Production	10.0
M17–LDS Water Sprayers	2.0
7 HMVV Medical Shelters	3.0
Reserves and National Guard	
Including the following Aircraft:	
T–39 Replacement Aircraft	10.0
C–130J	226.0
KC–135 Re-Engining	52.0
F–16 Avionics Intermediate Shop	32.0

Conference report budget tables—Continued

[Procurement in millions of dollars]

Total	320.0

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Army

Environmental Quality Technology:	
Gallo Center	4.0
Commercialization of Technologies to Lower Defense Cost Initiative	5.0
Bioremediation Education, Science, & Technology Center	4.0
Plasma Energy Pyrolysis System	6.0
Radford Environmental Development & Management Program	5.0
Environmental Projects at the WETO Facility	7.0
Small Business Development Program	5.4
Agriculturally based remediation in Pacific Island Ecosystems	4.0
Computer based land management	4.0
Military Engineering Technology: Molten carbonate fuel cells technology	6.0
Medical Advanced Technology:	
Army-managed peer-reviewed breast cancer research	135.0
Emergency telemedicine	2.5
Volume Angiocat (VAC)	4.0
Periscopic minimally-invasive surgery	3.0
Proton beam	4.0
Munitions Standardization, Effectiveness & Safety:	
Blast Chamber—Anniston Army Depot	2.0
Explosive waste incinerator	1.1

Navy

Industrial Preparedness	55.0
Oceanographic and Atmospheric Technology:	
Autonomous underwater vehicle/sensor development	10.0
Ocean partnerships	12.0
Medical Development:	
Bone marrow	34.0
National Biodynamics Lab	2.6
Biocide materials research	5.5
Freeze dried blood	1.5
Dental research	2.0
Mobile medical monitor	2.0
Rural health	3.0
Natural gas cooling/desiccant demonstration	2.5
Manpower, Personnel and Training Advanced Technology Development:	
Virtual reality environment/training research	3.69
Center for Integrated Manufacturing Studies	2.0
Environmental Quality and Logistics Advanced Techn.:	
250KW proton exchange membrane fuel cell	1.7
Visualization of technical information	2.0
Smart Base	6.3
Undersea Warfare Advanced Technology: COTS airgun as an acoustic source	3.0

Air Force

HAARP	5.0
ALR–69 PLAID	5.0

Conference report budget tables—Continued

[Procurement in millions of dollars]

Missile Technology Demonstration flight testing	4.8
Scorpius	5.0
Hypersonic wind tunnel design study	2.0

Defense-Wide

Agile Port Demonstration	5.0
University Research Initiatives:	
DEPSCOR	10.0
Southern Observatory for Astronomical Research	3.0
Tactical Technology:	
Simulation based design (Gulf Coast Region Maritime Center)	3.0
Center of Excellence for Research in Ocean Sciences	7.0
Materials and Electronics Technology: Cryogenic electronics	6.0
Defense Special Weapons Agency:	
Bioenvironmental research	5.0
Nuclear weapons effects core competencies	12.0
Counterproliferation Support: HAARP	3.0
Advanced Electronics Technologies:	
Lithographic & Alternative Semiconductor Processing (LAST)	18.0
Laser plasma x-ray source technology	5.0
Defense Imagery and Mapping Program; USIGS Improv	5.0

Other Department of Defense Programs

Defense Health Program:	
Hepatitis A Vaccine	17.0
Military Health Information Services	7.0
Pacific Island Health Care Program	5.0
Brown Tree Snakes	1.0
Cancer Control Program	8.9
Army Research Institute	5.4
Military Nursing Research	5.0
Disaster Management Training	5.0
Holloman Air Force Base	5.0
Restoration of Army O&M (VAC)	8.0

Drug Interdiction and Counter-Drug Activities

Source Nation Support: Riverine Interdiction Initiative	9.0
Law Enforcement Agency Support:	
Southwest Border Information System	4.0
Southwest Border Fence	4.0
HIDTA Crack House Demolition	2.3
C–26 Aircraft Photo Reconnaissance Upgrade	4.5
Regional Police Information System	3.0
Total questionable adds to the Defense appropriation conference report	1,495.4

Mr. MCCAIN. Mr. President, I would like to continue on this very important issue. The 19th century Danish philosopher Kierkegaard wrote that ''purity of heart is to will one thing.'' In Bosnia, the international community has willed many things, and the result has been a highly tenuous peace among the warring ethnic factions unlikely to long survive the departure of NATO military forces. As we all know, what was originally a 1-year mission has involved in a multiyear engagement of indeterminate duration. It is time to assess where we are and where we are going, with an eye toward ending deployment of U.S. forces to that war-torn region.

When this body debated back in December 1995 the issue of whether to support the deployment of U.S. forces as part of the Implementation Force following the signing of the Dayton peace accords, I stated that, ''I know that by supporting the deployment, but not the decision [to send the troops], I must accept the blame if something happens.'' Events of the past several weeks have shown disturbing signs of a trend that may entail actions being taken that will result in the death of American servicemen. Mr. President, I am a realist. I recognize that the military exists to support national policy and that wearing the uniform involves a very real risk of being killed in action. Our failure to ''will one thing,'' however, is leading us down a perilous path on which such deaths will have been unnecessary.

Congress, the press, scholars, and others have all considered the perennial question of mission creep. We can stop debating it, and accept that it has happened. Comparisons have been made with the ill-fated mission in Somalia to capture the late warlord and tribal leader Mohammed Farah Aideed. Such comparisons are often inappropriate for a number of reasons, but in this case it is valid. The multinational force, including the 9,400-strong contingent of U.S. troops, has seen its mission grow from that which is very specifically set forth in the annex accompanying the Dayton accords to one of extraordinarily confusing incongruity. The recent capture by British special forces of a Bosnian Serb indicted by the International War Crimes Tribunal in The Hague and the killing of another certainly sent a signal to Radovan Karadzic, Ratko Mladic, and the others on the long list of war criminals that at long last that provision of Dayton would be enforced.

As with Farah Aideed in Somalia, however, the signal has raised the stakes greatly in terms of the cost we could pay to bring them to justice. Lest anyone think I exaggerate, remember the tragedy of watching an entire company of elite American soldiers killed or wounded while Farah Aideed continued to elude capture. The situation in Bosnia could be incomparably worse.

The United States has overtly positioned itself in the middle of a power struggle between two Bosnian Serb leaders, President Biljana Plavsic and Radovan Karadzic. It is not what I would consider a great set of options. In the world of Serbian politics, though, everything is relative. The Clinton Administration has thrown its weight behind President Plavsic, the properly elected leader despite her abysmal record during the years following the splintering of the former

Yugoslavia into ethnically derived divisions. Not a hard choice when the alternative is Karadzic, whose name should rightfully be placed alongside those of other 20th Century butchers. The point I am trying to raise, however, is that once we sided with one faction within the Bosnian-Serb community, we placed our military personnel in the kind of position that faced those in Lebanon in 1983 and Somalia 10 years later.

The phenomenon of mission creep was accepted by most when it entailed benign nation-building measures. Indeed, the absence of a viable alternative to NATO in terms of competence, discipline, willingness to think innovatively, and absence of the kind of civilian political oversight that characterized the disastrous and tragic decision making apparatus under former U.N. Secretary General Boutros Boutros-Ghali and his deputy Yasushi Akashi made it only logical that the military component of the operation to end the war and rebuild the country should fall on NATO's shoulders. Logical, but not necessarily right. That extension of the military's original mission of simply keeping the warring factions apart ensured that the deployment would last longer than originally intended.

When the President announced that he would keep our forces in Bosnia beyond the original withdrawal date, he was met with widespread skepticism. How many of us actually believed that the June 1998 target date would be met? We knew that the deployment would continue indefinitely; that the costs would never be properly budgeted; that the diplomatic framework upon which we are operating would never stand on its own. But we also knew that a decision by Congress to terminate funding for troops in the field, for men and women sent in harms way at the behest of their Commander-in-Chief, stands as perhaps the most morally and politically difficult we can ever be called upon to make.

The absence of an exit strategy has made it easier for the Administration to justify keeping troops there to execute an expanding list of missions with no logical completion date other than the fairly arbitrary one of June 1998. The appearance of conflict back in the late May-early June timeframe between the Secretaries of State and Defense and the more recent contradictory messages conveyed by the National Security Advisor and the Secretary of Defense regarding the June 1998 withdrawal date illuminates all too well the total lack on the part of the Administration of a clear concept of what we are doing in Bosnia and, consequently, how long we should be there.

Mr. President, I supported the decision to deploy troops to end the war because President Clinton, in his capacity as Chief Executive and with his constitutional prerogative of conducting this Nation's foreign policy, had committed us to stop the fighting. And let no one doubt that the bitterness involved, the scale of atrocities inflicted, did not warrant some kind of forceful action.

It is certainly likely that a peacekeeping force will be needed beyond June 1998. The parties to the conflict in Bosnia have shown little sign that they are prepared to accept in full the terms of the Dayton Accord, and key provisions like the return of refugees to their pre-war homes will require the presence of such a force. There is a legitimate question, though, whether that contingent needs to include U.S. ground forces. We should not continue to accept the protestations of our allies, such as those that were voiced prior to our deployment of ground forces, that the United States is not sharing the risk. This country has seen too many of its fallen soldiers laid to rest in European cemetaries for us to accept that kind of rhetoric. A peacekeeping force without United States ground forces can and should assume responsibility for Bosnia after June 1998.

This does not imply an abandonment of our allies and friends in the effort at preventing a return of the fighting that forced the civilized world to once again reflect upon the fragility of global or regional peace. On the contrary, the conflagration that enveloped the former Yugoslavia earlier this decade was all the more shocking for its occurrence in Europe, where war was considered least likely to occur following the end of the East-West confrontation of the cold war era. The war in Bosnia and Herzegovina was a sad reminder that the so-called enlightened continent remains vulnerable to the kind of hatred and violence that culminated not long ago in the Holocaust.

What is important, to this country, is that we not become the permanent caretaker of the region. Our troops must be out by the end of June 1998. We should maintain a rapid reaction force in Hungary, and our heavier forces in Germany should remain available if needed. The rapid reaction force should include air and ground components capable of responding in a timely manner to a resurgence in fighting with sufficient strength to quell any such fighting at minimal risk to our personnel. But make no mistake: The peacekeeping force that remains inside Bosnia and Herzegovina must be European in content. The governments of Europe must accept responsibility for maintaining peace in their own backyard. Two world wars demonstrated that the United States cannot disengage from Europe, and our own economic well-being demands that we not do so. But the American public should not be expected to see its military personnel kept in harm's way in perpetuity in a situation where the parties refuse to take the necessary steps for lasting peace.

During the cold war, we prided ourselves on our role as leader of the free world. Those of us who know the horror of war first hand, however, know the price such leadership entails. It is not a price that should be paid in Bosnia. We should not send the wrong message to our personnel in the field by cutting off their funding; but we should send a message to the President that the United States has done all it can for that sad country and withdraw our soldiers from Bosnia.

Mr. President, I appreciate the indulgence of my colleagues. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. STEVENS. I yield the Senator 4 minutes.

Mr. WARNER. Mr. President, I wish to associate myself with the distinguished Senator from Arizona and his remarks and, indeed, those of the distinguished Senator from Texas [Mrs. HUTCHISON]. I have worked with them on this very issue.

Mr. President, I commend the Appropriations Committee for the language which is contained in their bill, but I would like to urge that this whole analysis be taken a step further.

During the course of the confirmation hearings on General Shelton, I said that it is time for the United States to exercise the leadership to reconvene the principles, the very principles that laid down the Dayton accords, assess what has been done, what has to be done and, most significantly, the realistic chances of the balance being done.

Mr. President, I have in my hand, and I ask unanimous consent to have printed in the RECORD an op-ed piece by the distinguished former National Security Adviser, Dr. Kissinger, with whom I worked when he was in that position, and likewise excerpts from the statement by the current National Security Adviser, showing very clearly different viewpoints by distinguished Americans who understand this subject.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 22, 1997]

LIMITS TO WHAT THE U.S. CAN DO IN BOSNIA

(By Henry Kissinger)

Every American foreign policy setback, from Indochina to Somalia, has resulted from the failure to define objectives, to choose means appropriate to these objectives and to create a public opinion prepared to pay the necessary price over the requisite period of time.

We are now on the verge of sliding into a similar dilemma in Bosnia: Our goals are unrealistic, the means available do not fit the objectives and the public is unlikely to block the probable consequences of our actions. Policy drifts because three issues await resolution: What are our objectives in Bosnia? How long should our troops stay? What risks should we run for the capture of war criminals?

In 1991, when Yugoslavia broke up, the United States joined the other NATO countries in recognizing its various administrative subdivisions as independent states. With

respect to Croatia and Slovenia, inhabited by a dominant ethnic group, this decision made sense. But in Bosnia, populated by Croats, Serbs and Muslims whose reciprocal hatreds had broken up the much larger Yugoslavia, the attempt to bring about a multiethnic state evoked a murderous civil war.

The same flaw that attended the birth of the Bosnian state lies at the heart of the dilemmas of the Dayton accords mediated by the United States that brought about the current Bosnian cease fire. Its military provisions separate the parties substantially along the lines of the ethnic enclaves that emerged as hostilities ceased. But the political provisions do the opposite. They seek to unite these enclaves under the banner of a multiethnic state that caused the explosion in the first place.

The American tendency is to treat Bosnian tensions as a political problem to be overcome by constitutional provisions that reconcile the parties and establish procedures for settling conflicts. But for the Bosnians, the overwhelming reality is their historical memory, which has sustained their ineradicable hatreds and unquenchable aspirations for centuries.

Throughout their histories, the Serbs and Croats have considered themselves defenders of their religions, first against a Muslim tide, then against each other. The Serbs' identity derives from a series of bloody battles in defense of the Serbian faith and population against Islam. Once Islam was stopped, the Serbs fought to vindicate their independence from Catholic Austria, spearheaded by the Croats.

The Croats perception is precisely the reverse—as upholders of Catholicism against Serbian Orthodoxy and Islam. And the Muslims know that they are regarded by the two other ethnic groups as a historical instrument of the hated Turks and therefore—since ethnically they are at one with the Serbs and Croats—as turncoats.

The deep-seated hatred of each party for all the others exists because their conflict is more akin to the Thirty Years War over religion than it is to political conflict. And this should serve to caution the United States not to get in between these parties by trying to impose political solutions drawn from our own, largely secular, experience.

Once passions were unleashed by the civil war, each group committed unspeakable cruelties in the process of expelling the other groups from the regions that they controlled—the ethnic cleansing. The Serbs started the process, but as the war continued, the other parties also engaged in murderous acts—the Croats in Krajina, the Muslims around Sarajevo. Among the existing leaders, few, if any, innocents are to be found.

The NATO allies would have done well to stop the killings six years ago, in its incipient phase. They could have taken the position that they would not tolerate such outrages within reach of NATO forces and on the continent where the political concept of human dignity originated and is now institutionalized. As a result of their failure to do so, each of the ethnic regions of Bosnia has become largely homogeneous; the results of ethnic, cleansing are now the dominant fact of life in Bosnia.

The political provisions of the Dayton agreement seek to reverse this state of affairs. They provide for free movement among the ethnic enclaves, for free repatriation of refugees and for elections leading to national reconciliation. This vision has turned out to be a mirage.

No free movement among the various ethnic enclaves takes place, and no mail or telephone services exist. Each ethnic group issues its own currency, license plates and passports. Serbs with Cyrillic license plates are at particular risk in other areas, but so are the Muslims and Croats if they leave their enclaves. Not surprisingly, refugees tend to return home only with armed escorts and are frequently obliged to flee as soon as the escorts leave.

Nor will elections solve the problem. In Bosnia, elections are not about alternation in office but about dominance determining life, death and religion. They must either ratify the new ethnic composition, or, since refugees vote on the rolls of the towns from which they have been expelled, produce the bizarre situation that absentee voters are in a position to ''win'' and, in effect, gain the right to rule the group that expelled them. In the Krajina region, for example, now occupied by Croatia, the voting rolls of many towns show a majority of Serbs, all of whom have been expelled. Are NATO forces expected to enforce this outcome?

Refusing to recognize these realities has twisted American policies into contortions that will guarantee an ultimate breakdown. Exerting considerable economic and political pressure, we engineered the shotgun wedding between Croats and Muslims that goes under the label of the Bosnian Federation. In this technically multiethnic structure, within which no cease-fire line is necessary according to the official mythology, NATO patrols only the line between the so-called Federation and the Serb part of Bosnia.

Reality mocks this mythology. The dividing line between Croats and Muslims is as rigid as the one between them and the Serbs. No Croat officials enter Muslim territory, no Muslim official serves in the Croat part of the Federation. Few Croats are to be found in Sarajevo, the purported capital of the Federation that was ethnically cleansed when the Muslims took it over after the Dayton accords were signed. Nor is there free movement of Croat and Muslim groups within the Federation.

It is a conceit that this state of affairs is the fault of a few evil bigots who, once removed either to war crimes trials or to exile, will permit the natural preference of the ethnic groups for some sort of unity to assert itself. This misconception has tempted senior American officials to pretend that Croat attitudes are the aberrations of its president, Franjo Tudjman, and has led the American NATO commander to abandon the neutral position of mediator and involve himself in the internal struggles of the Serb part of Bosnia.

Neither judgment is correct. In Croatia, the opposition is even less flexible than the president. And while Serb strongman Radovan Karadzic well deserves to be placed before a war crimes tribunal, his adversary, Biljana Plavsic, will not survive politically unless she too advocates nationalist Serb policies without, of course, the war-crime element.

A multiethnic state in Bosnia is unlikely to emerge except after another round of fighting, and then only if one of the parties achieves an overwhelming victory. Should NATO military power be used to promote such an outcome? Should American casualties be incurred to force the various ethnic groups into a multiethnic state that the majority of them do not want? Why should we violate our own principle of self-determination in pursuit of such goals?

American pressure to implement the political provisions of the Dayton accords may well lead to precisely such an outcome. The cease-fire now holds because of NATO's military preponderance and because the Muslims, the only ethnic group seeking a multiethnic state, are arming for the purpose of imposing what we are urging. Since they are now already the better equipped, they will probably achieve initial successes and thereupon implement another round of ethnic cleansing. At that point, the Croats would almost certainly enter the fray to keep the Muslims from achieving a dominant position. And Russia, the historical protector of the Serbs, is unlikely to remain passive—at least politically.

Some favor such risks to punish the evil men who are assumed to have undermined the traditional coexistence between the ethnic groups. But there has never been a Bosnian state on the present territory of Bosnia. Whenever the various ethnic groups have lived together in apparent harmony, it was due to the pressure of some outside force that overwhelmed their passions—the Turks, the Austrians or Tito's dictatorship. The Croats slaughtered the Serbs under Hitler, the Serbs slaughtered the Croats in the early years of Tito; both Croats and Serbs cling to a collective memory of Muslim atrocities under Turkish rule.

Another often-cited argument holds that to abandon the political part of the Dayton Agreement is to reward aggression on the model of Hitler's dismemberment of Czechoslovakia. The analogy is mistaken. Hitler violated a recognized sovereign state; Bosnia's civil war was triggered by the West's misconceived attempt to experiment with a multiethnic state among populations divided by religion and whose very reason for existence has been to prevent domination by the other ethnic groups.

America has no national interest for which to risk lives to produce a multiethnic state in Bosnia. The creation of a multiethnic state should be left to negotiations among the parties—welcomed by America if it happens but not pursued at the risk of American lives. America does have a political concern to preserve the cease-fire for a reasonable period. We have already extended the deadline for withdrawal which the president promised to Congress. A case can be made to extend it once again with gradually reduced forces for a limited period—but after next June with personnel who have specifically volunteered for this duty, backed up by air power and naval forces stationed nearby. Manning cease-fire lines in Bosnia cannot be a permanent American undertaking.

As for the war criminals, there is no doubt that they deserve to be judged before a tribunal constituted for that purpose at The Hague. In the current state of affairs, an American military move would be construed as an effort to break Serb resistance to a multiethnic state and therefore would be opposed bitterly by the Serb population. But if America confined its role in Bosnia to maintaining the cease-fire lines and left the political evolution to the parties, a situation might present itself in which the arrest of war criminals could be dealt with on its merits.

America must avoid drifting into a crisis with implications it may not be able to master. The administration deserves much credit for having brought about the end of hostilities. Ending communal hatred is a longer-term challenge. We can facilitate this but we cannot justify military action.

EXCERPTS FROM REMARKS ON BOSNIA AT GEORGETOWN UNIVERSITY, WASHINGTON, DC

(By Sandy Berger, National Security Adviser)

Some argue that we set our sights too high in Dayton, that only an ethnic partition will produce the stability we want and extricate us from Bosnia. I believe the partitionists are wrong. Because accepting partition means ratifying the worst ethnic cleansing in Europe in more than a half century. We should not give up on justice and reward aggression.

Partition also would be wrong because it would send the message to ethnic fanatics everywhere that the international community will allow redrawing of borders by force, by creating the kinds of ethnically pure states that often harbor a dangerous sense of grievance, entities that would be inherently unstable, ultimately not viable, and inclined to expansionist aggression, partition would lead not to peace, but to war.

In short, to advocate partition is to accept defeat.

Mr. WARNER. Mr. President, I think it is imperative we take the steps outlined in this amendment and add additional steps so that this country does not drift into a new policy along the very lines that the Senator from Arizona has so eloquently stated.

I was privileged, on behalf of the Armed Services Committee, to write the committee's report on Somalia, with the distinguished Senator from Michigan [Mr. LEVIN]. I well understood how we got into it, what the problems were. And, once again, we are in the business of nation building as we interpose ourself amongst the several political factions fighting in that country.

I voted consistently against putting ground troops in. Therefore, I can stand here with a clear conscience today and say, once they are in, we have to assess what is that exit strategy. We are going to have $7.3 billion of American taxpayers' money expended if we go through June 1998. There is no way of assessing the price tag of the risks of our men and women of the Armed Forces of our Nation have taken during that period of time. Therefore, this policy has to be rethought, and I think no less a reconvening of the Dayton principles is a measure we need to do to get to the right result in this situation.

Mr. President, I thank the distinguished manager for my few minutes here.

Mr. STEVENS. If there is any time, I reserve it. Does the Senator from Hawaii have any final statements?

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I regret very much that there are some who are disappointed with section 8109 of the appropriations bill that authorized the creation of the cruise ship industry.

So, if I may, Mr. President, I ask unanimous consent to have printed in the RECORD letters indicating support, first, from the Department of Defense, a letter from the Assistant Secretary of the Navy, John Douglass; the Governor of Hawaii, the Honorable Benjamin Cayetano; the National Security Caucus Foundation; and representatives of our maritime industry, for example, Seafarers International Union, the Transportation Institute, the American Shipbuilding Association, the American Maritime Officers, the American Classic Voyages Co.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE ASSISTANT SECRETARY OF THE NAVY, RESEARCH DEVELOPMENT AND ACQUISITION,
Washington, DC, July 30, 1997.

Hon. TED STEVENS,
Chairman, Subcommittee on Defense, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in strong support of the United States-flag Cruise Ship pilot project included in the Senate's Fiscal Year 1998 Department of Defense Appropriations Bill, S1005, as passed on July 15, 1997. The construction of large, oceangoing cruise ships in United States' shipyards under this project is vital to transitioning U.S. shipyards back into the construction of cruise ships and to sustain this country's shipbuilding industrial base.

Military preparedness depends on the maintenance of a robust industrial base for U.S. Navy shipbuilding. With the decline in the number of new construction Navy ships, we have been actively encouraging the producers of our large warships and support ships to explore commercial opportunities. The sophistication involved in cruise ship design and construction makes this commercial project ideal for sustaining critical shipbuilding skills.

The MARITECH program authorized by Congress in Fiscal Year 1994 has served as an innovative research and development initiative to improve the international competitiveness of our U.S. shipyards, particularly in the construction of large, oceangoing vessels of all types. The technology transfer that accompanies any large ship construction program is essential to the continued viability of the shipyard industrial base in the U.S. The Cruise Ship pilot project contained in Section 8097 of S1005 would provide the means for just such technology transfers. I support the use of $250,000 in Fiscal Year 1998 for the Cruise Ship pilot project.

However, I have some concern with the language that prohibits the future use of federal funds under this section. There may be a future need to utilize federal research and development funds for shared ship design applications and this requirement should be left to the determination of the Secretary of Defense. Specifically, the Navy is interested in exploring the potential use of the hull design used for these cruise ships as the hull for future Joint Command and Control ships. Accordingly, the Navy needs the flexibility to spend research and development funds on a common hull design for this mission.

Your support for this important project is appreciated. A similar letter has been sent to the other Chairmen of the Congressional Defense Committees.

Sincerely.

JOHN W. DOUGLASS.

EXECUTIVE CHAMBERS,
Honolulu, HI, August 29, 1997.

Hon. DANIEL K. INOUYE,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR INOUYE: I recently received a briefing on your U.S.-flag Cruise Ship Pilot Project (S. 1005, Sec. 8097) contained in the FY 1998 Department of Defense Appropriations Bill.

Hawaii's domestic cruise ship operation remains a vital component of our state's visitor industry. I am excited about the prospect of revitalizing that business with new passenger cruise ships dedicated solely to interisland cruises.

I support your leadership in initiating an innovative program aimed at facilitating a dedicated cruise ship within 18 months and the construction of two new cruise ships, the first to be built in U.S. shipyards in over 40 years.

Please know that you can count on the full support of the State of Hawaii in your efforts.

With warmest personal regards,

Aloha,

BENJAMIN J. CAYETANO.

NATIONAL SECURITY CAUCUS FOUNDATION,
Washington, DC, September 8, 1997.

Hon. C.W. (BILL) YOUNG,
Chairman, Subcommittee on National Security, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: This is a follow-up to the letter you received from Assistant Secretary of the Navy John Douglass regarding the United States-flag Cruise Ship Pilot Project. We are in complete agreement with Secretary Douglass, the U.S. Navy, the Department of Defense, and many prominent national security experts regarding the importance of this initiative.

During the August recess Secretary Douglass and Deputy Assistant Secretary Hammes participated in a Congressional Delegation (CODEL) to Asia which was sponsored by the NSC Foundation. This project was a focal point of their meetings with your fellow members of the Appropriations Committee and the Senate Intelligence Committee.

They also joined your colleague Duke Cunningham in meetings with the President, Defense Minister and Chairman of the Joint Chiefs of Staff in the Philippines. They all emphasized the importance of American shipbuilding to the national security interests of both of our nations.

Furthermore, many of your colleagues participated in a recent National Security Caucus dinner with Navy Secretary John Dalton and Marine Corps Commandant Charles Krulak who both said this program is vital to sustain our nation's shipbuilding industrial base.

The bottom line is that the senior leadership of the national security community is supporting this initiative because it is an ideal project to sustain critical shipbuilding skills. Furthermore, as the Assistant Secretary indicated, the Navy is very interested in exploring the potential use of hull designs used for these cruise ships as the hull for future Joint Command and Control Ships.

Finally, several flag officers have already testified before your Subcommittee regarding the need for builders of large warships and support ships to explore commercial opportunities. The United States-Flag Cruise Ship Project is a perfect example of an appropriate commercial initiative, and we hope you will join your Senate colleagues in supporting this endeavor.

We are enclosing an analysis which describes this project in further detail. If your staff has any questions about this please have them contact Gregg Hilton, the Executive Director of the NSC Foundation, at 479–4580. Many thanks.

Admiral Thomas H. Moorer, USN (Ret.), Former Chairman, Joint Chiefs of Staff; Rear Admiral Robert H. Spiro, Jr., USNR (Ret.), Former Under Secretary of the Army, Carter Administration.

NATIONAL SECURITY CAUCUS FOUNDATION,
Washington, DC, September 4, 1997.

THE UNITED STATES-FLAG CRUISE SHIP PROJECT

The United-States-flag Cruise Ship Project was included in the Fiscal Year 1998 Department of Defense Appropriations Bill (S. 1005) when it was passed by the Senate on July 15. Many prominent national security experts

believe that the construction of large, oceangoing cruise ships in United States' shipyards under that project is vital to transitioning U.S. shipyards. This will allow them to move from strictly military to commercial vessel construction and the initiative is important for the preservation and modernization of the American shipyard industrial base.

Military preparedness depends on the maintenance of a robust industrial base for U.S. navy shipbuilding and repair. In this country, we have six shipyards capable of building large warships and support ships critical to our national defense.

The U.S. Navy believes it is essential for these shipyards to remain active, with a skilled and trained work force. The declining number of active U.S. Navy ships and new construction and repair opportunities requires America to look to commercial ship building as the best means by which to maintain that shipbuilding capability. The burgeoning worldwide demand for cruise ships, coupled with their sophisticated construction demands, make cruise ships an ideal commercial project for American shipyards to maintain their heightened state of readiness.

The MARITECH program was authorized by Congress in 1994 and according to senior Defense Department officials it has served as an innovative research and development initiative to improve the international competitiveness of U.S. shipyards, particularly in the construction of large, oceangoing vessels of all types. The technology transfer that accompanies any large ship construction program is essential to the modernization of the shipyard industrial base in the United States. The cruise ship pilot project contained in Section 8097 of S. 1005, as amended, would provide the means for just such technology transfers, without requiring obligation of scarce federal shipbuilding funds for either shipyard tooling or the construction of the vessels themselves.

This provision, as passed by the Senate will jump start cruise ship construction in the U.S., develop the American flag cruise industry and help reduce U.S. shipyard dependence on Department of Defense construction—all without the use of federal funds. It would result in the construction in the U.S. of two state of the art large oceangoing commercial cruise ships. These ships cost hundreds of millions of dollars each and will be built with private capital. The pilot project will create thousands of jobs in U.S. shipyards during construction and on board the vessels after completion.

The provision would be supervised under the Department of Defense's MARITECH program. Under MARITECH auspices two cruise ship design projects have been completed, the pilot project would result in actual construction.

An existing operator of U.S.-flag cruise ships in Hawaii and on the inland waterways is ready and willing to build new cruise ships. However, U.S. shipyards have not built a large ocean-going cruise ship in over 40 years and the first operator to do so faces a cost disadvantage.

The pilot project would assist U.S. yards by facilitating series construction of the two new cruise ships and the operator would be required to sign a binding contract for delivery of the first vessel by 2005, the second by 2008.

The pilot project would also help Hawaii operations by permitting the temporary reflagging of an existing foreign-flag cruise ship for operation under the U.S.-flag with U.S. crews while the new ships are constructed in order to develop market demand and would give preference in the trade for the life expectancy of the vessels built under this program in order to allow an adequate return on the significant investment required to enter and develop this market.

U.S. shipyards build the best naval vessels in the world, but without the infusion of commercial shipbuilding technology, as will be made possible under the proposed pilot project, our shipyards will find it increasingly difficult to make the transition to building large commercial vessels that is vital to the future of our shipyard industrial base.

JULY 17, 1997.

DEAR CONGRESSMAN: We are writing to request your support for the U.S.-flag Cruise Ship Pilot Project contained in Section 8097 of S. 1005 of the FY '98 DOD Appropriations bill as passed by the Senate under the leadership of Chairman Stevens and Senator Inouye. This provision is critically important to our U.S. flag cruise ship industry and for our U.S. shipbuilding base.

Section 8097 would direct the MARITECH program to supervise a pilot project to enhance the shipbuilding industrial base and to develop the U.S.-flag cruise industry. The MARITECH program (authorized by the FY '94 defense authorization bill) has served as an innovative research and development initiative that has produced substantive results in improving the international competitiveness of the shipbuilding industry in the United States.

The U.S.-flag Cruise Ship Pilot Project would result in the construction of two new cruise ships in U.S. yards and allow the temporary reflagging of one foreign cruise ship. The project would be privately funded and constructed (without the use of federal funds) and provide preference in the trade in order to allow for an adequate return on the significant capital investment required to develop this new shipbuilding capability and a broader market for U.S. cruise ships. The U.S.-flag Cruise Ship Pilot Project means thousands of shipyard jobs over several years and more than two thousand permanent jobs on board the vessels when completed—approximately seven hundred within the first year alone. We urge your support of this important provision.

Very truly yours,

American Classic Voyages Co., Philip Calian, President; American Shipbuilding Association, Cynthia Brown, President; Transportation Institute, James Henry, President; American Maritime Officers, Michael K. McKay, President; Seafarers International Union, Michael Sacco, President; American Maritime Officers Service, Gordon Spencer, Legis. Director.

Mr. INOUYE. Mr. President, I believe the RECORD should note that up until the latter part of 1967, America controlled the seas. Most of the cruise vessels were American owned, American built. Today, the situation is slightly changed. Last year, over 6.2 million passengers worldwide—and 75 percent were Americans. The Caribbean and the Bahamas regions, which is the largest North American market, does not have a single American cruise vessel.

Cruises are the fastest growing segment of the tourism industry. They bring in over $7.5 billion in revenues. And 113 vessels currently operate in the North American market—1 American. Of the 30 companies operating in the North American market, 3 companies—foreign companies, Mr. President—command over 70 percent of the market. These foreign ships are obviously built in foreign shipyards. They employ very cheap foreign labor and operate outside our regulations. They pay no U.S. taxes and are not available for U.S. emergencies.

Shipbuilding subsidies in foreign countries in recent years ranged from 9 percent to 33 percent of the cost of the vessel's construction. At a 9-percent construction subsidy, an operator today could build a new $500 million, 130,000-ton cruise vessel in a foreign yard and reduce its cost of capital by an astounding $45 million. The United States, since the early 1980's, has not subsidized the commercial construction of ships.

These foreign companies also take advantage of the lower cost of foreign labor. In fact, the Wall Street Journal recently ran an article reporting these foreign cruise companies pay workers on board their ships a paltry $1.50 per day—that's right, $1.50 per day before tips—for 16 to 18 hours of work. We here in the United States have undertaken an aggressive campaign to stop the use of sweatshop labor, and we should hold these foreign-flag ships operating in the American market to those same high standards.

But perhaps the main reason these vessels fly a foreign flag is to avoid U.S. tax laws. Although most of these foreign-flag cruise operations are located in the United States—and most of their passengers are Americans—they are protected by reciprocal international tax treaties. These reciprocal agreements allow the foreign-flag cruise ship companies to avoid the tax laws of the United States. For example, one large foreign-flag cruise operator recently reported earnings of approximately $1.8 billion in revenues for its cruise operations. While most of these revenues came from American passengers, this cruise line, under existing U.S. law, considers this foreign source income which is exempt from U.S. tax law. Because of this loophole, this one company did not pay any income tax on its cruise ship operations. Based on the companies' net income from cruise operations, this can be equated to a $158 million corporate income tax loss to the Federal Treasury.

An existing operator of U.S.-flag cruise ships in Hawaii and on the inland waterways, however, is ready and willing to build new U.S. cruise ships and employ American workers. But since U.S. shipyards have not built a large oceangoing cruise ship in over 40 years, the first operator to do so faces a significant cost disadvantage. That is why the U.S.-flag cruise ship pilot project is so important.

The pilot project will facilitate a series construction for two new cruise ships by requiring the operator to sign a binding shipyard contract with delivery of the first new vessel no later than 2005; the second by 2008. In order to replace a retired ship and develop market demand that operator will temporarily document an existing foreign-flag cruise ship for operation under U.S.-

flag with U.S. crews while the new ships are constructed.

This project is a milestone for our U.S.-flag cruise ship industry. After decades of dormancy in the oceangoing U.S. cruise ship arena, we now have a U.S. company that is willing to make a very substantial investment to try to rebuild our once proud U.S.-flag passenger fleet. Because this existing operator will make a very large investment in the development of new U.S.-flag cruise ships, which otherwise would not exist absent this significant investment, section 8109 includes a preference to ensure that other operators do not take advantage of this company incurring such ''first mover'' development costs and unfairly compete against the existing operator. I would note that Congress has provided similar incentives and preferences in other areas. The patent system is perhaps the most prominent example of such a restriction that protects, and thus encourages, investment in the development of new products and services that otherwise would not exist—even in highly competitive markets, such as the computer industry.

The patent-like preference contained in section 8109 is for a very narrow segment of the highly competitive Hawaiian tourism market—domestic inter-island cruises. These cruises account for less than 1 percent of overall Hawaiian tourism and an even smaller percentage of the North American cruise market. Moreover, Hawaii vacationers will have many competitively priced vacation alternatives to these new cruise ships. In addition, foreign-flag cruise ships, with their significant cost advantages in terms of low capital costs, low foreign labor costs, and freedom from U.S. income tax, will still be free to call in Hawaii, just as they always have. In fact, in 1995 alone 12 competing foreign-flag cruise ships operated in the Hawaiian market. Nothing in this provision will change that.

I recognize that there is a vibrant small U.S. passenger vessel fleet. I want to assure you that they are not affected by this provision. These U.S. operators will be able to enter and compete freely in the Hawaii cruise trade, including inter-island cruises. Mindful of this segment of the fleet, we were careful to draft section 8109 to exclude vessels measuring less than 10,000 gross tons and having berth or stateroom accommodation of fewer than 275 passengers, these thresholds accommodate not only the entire U.S. small passenger fleet, but also any new vessels planned. Nothing in section 8109 will bar this vessel from entering the inter-island cruise market in Hawaii or in anyway inhibits its operation, once the plans are finished and construction of the vessel is completed.

Mr. President, this pilot project will help reverse the dreadful decline of the U.S.-flag cruise industry. It will jump start cruise ship construction in the United States, develop the U.S.-flag cruise industry, and help reduce U.S. shipyard dependence on DOD construction—all without Federal funds.

The cruise industry is projecting that $7.5 billion will be invested in the construction of new vessels over the next 5 years—and not one cent of this investment will be spent in U.S. shipyards. This pilot project, however, will result in the construction in the United States of two state-of-the-art large oceangoing commercial cruise ships, representing a private capital investment in U.S. shipbuilding of approximately $1 billion.

The pilot project will create thousands of American jobs in U.S. shipyards during construction and onboard the vessels upon completion and approximately 750 shipboard jobs on board the temporary vessel within 18 months. It will create some 2,500 shipyard and subcontractor jobs throughout the construction project. And upon completion of the new ships, over 2,000 permanent onboard and shoreside support jobs will be created.

The pilot project will be supervised under DOD's MARITECH Program which Congress authorized in 1993 and has funded annually to facilitate advanced commercial shipbuilding in U.S. yards and the transition from depending on military construction to the competitive commercial market. Under MARITECH auspices two cruise ship design projects have been completed, led by the Ingalls and NASSCO shipyards. The pilot project would result in the actual construction of new cruise vessels in U.S. shipyards for the first time in 40 years.

In addition to the commercial benefits of the pilot project, it is also of significant value to the Department of Defense. It will reduce the U.S. shipyards dependence on Defense funds needed to maintain an adequate industrial base. In fact, a recent letter from the Assistant Secretary of the Navy for Research Development and Acquisition, John Douglass called

* * * the construction of large, oceangoing cruise ships vital to transitioning U.S. shipyards back into the construction of cruise ships and to sustain this country's shipbuilding industrial base.

The Navy is also interested in exploring the potential use of the hull design for these cruise ships as the hull design for future Joint Command and Control ships.

Mr. President, the Governor from my State of Hawaii has also expressed his support for the provision and the bipartisan National Security Caucus Foundation called the project ''a perfect example of an appropriate commercial initiative.'' Support for the pilot project can also be found within the maritime industry—the American Shipbuilding Association, Seafarers International Union, American Maritime Officers, American Classic Voyages Company, Transportation Institute, and American Maritime Officers Service.

This project will provide the incentive for U.S. expansion in the cruise market, so that once again we can take pride in new U.S.-built oceangoing, U.S.-flag cruise ships. It will help to employ thousands of American workers, put the best shipbuilding technology in the world into commercial use, and help the Nation sustain a viable shipbuilding industrial base—all at no cost to the American taxpayers. It deserves our support.

The program that we have set forth, supported by DOD and supported by the whole industry, will once again reestablish our cruise industry.

So, Mr. President, I hope that my colleagues will adopt this amendment.

Mr. President, I ask unanimous consent that a paper, prepared by several members of my staff, to alert lawyers on the question of monopoly be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION 8097 OF THE DOD APPROPRIATIONS BILL CREATES NO ''MONOPOLY'' OR ''UNPRECEDENTED RESTRICTION ON COMMERCE''

Section 8097 of S. 1005, the FY '98 DoD appropriations bill as passed by the Senate, contains a provision critically important to the U.S.-flag cruise ship industry and the U.S. shipbuilding base. It directs the MARITECH program to supervise a pilot project to develop and construct two new cruise ships in U.S. yards, and to allow, until they are built, temporary reflagging to the U.S.-flag of a foreign vessel. The result would be the first new cruise ships built in U.S. yards in over 40 years.

To allow for an adequate return on the significant capital investment required for this innovative initiative, the new ships would receive a preference in the trade. An objection has been raised that this would create a ''monopoly'' and a ''legislative restriction on commerce [that] is unprecedented.'' The objection is unfounded.

SECTION 8097 CREATES NO ''MONOPOLY''

The cruise ship business is quite competitive. Operators compete with each other for the patronage of vacationers who wish to spend their holidays aboard ship. Operators also compete with other providers of vacation and leisure activities. Passengers considering a cruise in the Hawaiian Islands thus can, and do, consider competing cruise trips in the Caribbean, the South Pacific, Alaska, and even the Mediterranean. They also can, and do, consider alternative vacations in the Hawaiian Islands, or other resort and vacation destinations.

There is thus absolutely no basis for the suggestion that a cruise ship operator would enjoy any sort of ''monopoly'' even as the only U.S.-flag company operating in the Hawaiian Islands. Antitrust case law recognizes this fact. In *American Ass'n of Cruise Passengers* v. *Carnival Cruise Lines, Inc.*, 911 F.2d 786, 788 (D.C. Cir. 1990), an antitrust action involving alleged discrimination against certain travel agents, the court defined vacation cruises as including, but not limited to, ''any travel by a person as a passenger on a cruise ship for vacation purposes.'' The court also noted that the cruise business differs from carriage of cargo because the actual ports of destination are often of only secondary importance to cruise passengers:

''The purpose of taking a cruise, after all, is to enjoy a relaxing holiday aboard ship, generally while still visiting an unfamiliar place ashore. The cruise ship assumes responsibility for that transportation, and can substantially discharge its responsibility

even if circumstances require it to skip, or substitute, a port of call. Getting there, in other words, is half the fun.''—911 F.2d at 790.

Thus, analysis of competition on the basis of ''port-to-port'' or ''city-pair'' markets, which might be appropriate in analyzing competition for in the carriage of cargo, or for the carriage of passengers on other modes of transportation such as airlines, is not meaningful in assessing cruise ship competition. Someone shipping a container, or flying on an airplane for business, usually has very specific origin and destination points in mind for the transportation involved. The same is not true, however, for cruise passengers, or even vacation travelers in general, for when one leisure destination often substitutes perfectly well for another.

One court has in fact specifically described the competitive situation facing cruise operators and others in Hawaii:

''The pattern of competition within the tourist industry is varied and intense. Hawaii competes for tourists from the mainland United States and foreign countries. In offering a relaxed tropical vacation spot, Hawaii competes with South Pacific and other offshore destinations. It thus operates in a national and international market.''—*Waikiki Small Business Ass'n* v. *Anderson,* Civ. No. 83–0806 (D. Hawaii May 14, 1984).

Consumers of Hawaii cruises can, and do, face a host of substitute choices: (1) cruises to other U.S. and overseas locations; (2) other types of Hawaiian vacations, with shoreside accommodations and other forms of travel between the islands. Well over 95% of all visitors to Hawaii are not cruise passengers at al. Cruises on small seacraft and yachts are available as well as inter-island voyages on larger cruise ships. Over 22,000 passengers a day fly between the islands, and the Honolulu—Kahului, Maui city pair is the 3rd busiest in the United States. Aviation Daily, June 5, 1997, at 403; and (3) other ''relaxed, tropical vacation spots'' around the world.

In sum, there is no basis to the allegation that restricting the number of cruise ship operators between or among the Hawaiian Islands through the preference created by Section 8097 would create any ''monopoly,'' as that term may properly be understood. See *Coastal Fuels of Puerto Rico, Inc.* v. *Caribbean Petroleum Corp.* 79 F. 3d 182, 197–98 (1st Cir. 1996) (seller with 90% share of sales of bunker fuel to ocean going vessels in Puerto Rico has no monopoly power because it competes with sellers throughout the Caribbean and the Southeastern United States).

CONGRESS OFTEN ''RESTRICTS COMMERCE'' IN ORDER TO ACHIEVE IMPORTANT OBJECTIVES

There is also no basis to the suggestion that Section 8097 creates some sort of ''unprecedented restriction on commerce.'' There are numerous precedents for the kind of preference created in Section 8097, particularly given its purpose of protecting the substantial investment that will be necessary to develop and construct the first new U.S.-flag cruise ships in almost 40 years.

The patent system, established by Congress pursuant to Constitutional direction, provides perhaps the most prominent example of a ''restriction'' of competition to protect, and thus encourage, investment in the development of new products and services that otherwise would not exist. The grant of a patent allows its holder to ''restrict'' competition by those who would seek to sell competing projects that infringe on its claims. Significantly, however, despite this restriction, holders of patents generally compete in highly competitive markets; the grant of the patent does not create itself any ''monopoly.'' See *Atari Games Corp.* v. *Nintendo of America, Inc.,* 897 F.2d 1572, 1576 (Fed. Cir. 1990) (''When the patented product is merely one of many products that actively compete on the market, few problems arise between the property rights of a patent owner and the antitrust laws. . . . [Even] when the patented product is so successful that creates its own economic market . . . the two bodies of law are actually complementary, as both are aimed at encouraging innovation, industry, and competition.'').

Federal procurement law also recognizes a number of circumstances in which competition may be restricted to serve important objectives. Procurements may be conducted without competitive procedures, for example, where necessary ''keep vital facilities or suppliers in business or make them available in the event of a national emergency,'' 48 C.F.R. §6.302–3(b)(1)(i), to ''train a selected supplier in the furnishing of critical supplies or services,'' id. at (b)(1)(ii), or to ''create or maintain the required domestic capability for production of critical supplies.'' *Id.* at (b)(1)(v). See generally 10 U.S.C. §2304(c). Such procurements necessarily give the supplier a leg up on its competitions in the development and sale of the product being supplied, but they do not in any sense grant the seller a ''monopoly.''

Finally, Congress has often specifically restricted competition by statute to serve specific policy objectives. See 10 U.S.C. §2304(c)(5). Examples include small business set-asides, 15 U.S.C. 637, and preferences for local suppliers in disaster relief situations, 42 U.S.C. §5150. Last year's Defense Authorization bill included a statutory direction to enter sole source contracts with certain designated health care providers. Pub. L. 104–201 §722(b)(2), 110 Stat. 2593. The suggestion that the provisions of Section 8097 are ''unprecedented'' is without any basis, and would be so even if Section 8097 did, in fact, create a ''monopoly,'' which it does not.

CONCLUSION

While the operator of newly-built U.S.-flag cruise vessels in the Hawaii trade will receive some protection of its investment through the preference created by Section 8097, no monopoly will be created, and the operator will still face vigorous competition in the markets in which it operates.

NEW ATTACK SUBMARINE PROGRAM

Mr. STEVENS. Mr. President, the conferees have included a general provision, sec. 8129, within this conference report containing language to permit the Navy to enter into a contract for the procurement of four submarines under the New Attack Submarine Program. I would like to point out that this section does not provide new budget authority, but rather is an earmark of the amounts appropriated under the heading ''Shipbuilding and Conversion, Navy'' for the New Attack Submarine Program. The intent of the conferees was not to create new budget authority over and above amounts set forth elsewhere in the bill, but rather to clarify the terms and conditions under which the New Attack Submarine contract may be entered into between the Navy and the contractor team.

C–17

Mr. President, the conferees on the Defense spending bill understand that the manufacturer of the C–17 is building two additional aircraft in fiscal year 1998 for potential commercial sale. However, the Air Force has an agreement with the contractor which may permit DOD to accept early delivery of these aircraft within the Defense Department's C–17 multiyear contract. This agreement, combined with positive cost and schedule performance under the C–17 contract, may permit DOD to purchase up to 11 aircraft within the fiscal year 1998 appropriation. Thus, I believe the Senate's objective of delivering additional C–17 aircraft in fiscal year 1998 may actually be achieved without the appropriation of additional funds at this time.

HOLLOMAN AIR FORCE BASE/GERALD CHAMPION MEMORIAL HOSPITAL SHARED FACILITY

Mr. President, during the final session of the conference on Defense appropriations an error was made on the amount appropriated for the Holloman Air Force Base/Gerald Champion Memorial Hospital Shared Facility. It was the intent of the conferees to appropriate $7 million for the shared facility, but the filed report reflects only $5 million. This project was strongly supported by the Secretary of the Air Force and the Chief of Staff of the Air Force during hearings conducted by the subcommittee. Senator DOMENICI worked very hard on this issue and I believe that it is a great idea.

Mr. President, I have contacted the Department of Defense about this matter and they have assured me that they will fully fund the shared facility project at its intended level of $7 million. I will continue to work with Senator DOMENICI to ensure full funding for this important project. I commend Senator DOMENICI for his efforts in this regard and look forward to seeing his vision of better quality service for our troops at a lower cost become a reality.

Mr. DOMENICI. Mr. President, I thank the chairman for his support and for his efforts to correct this mistake. I am very pleased that the chairman has received the commitment from the Department of Defense to fully fund the shared facility. I believe that in the end we will look back on this program and say that it was one of the very best things that we did.

PATRIOT MODIFICATION PROGRAM

Mr. STEVENS. Mr. President, in review of the printed copy of the ''Statement of the Managers'' that accompanies H.R. 105–265, the fiscal year 1998 Department of Defense conference report, we have found a typographical error in the Patriot modification line of the ''Missile Procurement, Army'' account. The President's budget request included $20,825,000 for the continued modification of the Patriot missile system. It was the decision of the conference committee to provide a total $28,825,000, an increase of $8 million above the budget request for this program in fiscal year 1998. The additional funds provided by the conferees are for the procurement of additional GEM +/− upgrades for the Patriot system. I would note that the tables on page 90 of House Report 105–265, do not reflect the intent of the conferees.

It would be my hope that the Army would execute this program to reflect the intent of the conferees and further,

that the Army use its reprogramming authority to provide the recommended funding level of the conference committee. I intend to work with my ranking member, Senator INOUYE and Representatives YOUNG and MURTHA to insure this program is not inappropriately reduced because of a administrative error.

PRINTING ERRORS

Mr. President, I would like to bring to the attention of Members three typographical errors that appear in the statement of the managers to accompany H.R. 2266. On page 76, under ''Operation and Maintenance, Air Force'', the REMIS program should read as an increase of $8.9 million and not a decrease. On page 119, ''Research, Development, Test and Evaluation, Navy'', under the heading ''Undersea Warfare Weaponry Technology'', the 6.25-inch torpedo project should read as an increase of $3 million and not zero. On page 125, ''Research, Development, Test and Evaluation, Air Force'', under the heading ''Space and Missile Rocket Propulsion'', the total amount should read $18,147 and not $18,847. All of these programs were listed correctly in the official conference papers. The typographical errors appear in the project level adjustment tables and do not affect the funding levels in the bill.

Mr. President, I ask for the yeas and nays on our conference report.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, in order to notify the leader—it is time for him to make a statement concerning the proceedings—I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask unanimous consent to proceed under my leader time.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. LOTT. I apologize for the delay in starting the votes that we have scheduled, but we were having some very important discussions that will affect the schedule for the next several days that I wanted to discuss with the minority leader and with the interested Senators.

For the information of all Senators, these next two votes will be the last votes for the week. The next vote will occur at 11 a.m. on Tuesday, September 30, on a motion to invoke cloture on the Coats amendment to the D.C. appropriations bill regarding scholarships.

Following these votes, I encourage the managers to remain on the floor for any additional amendments Members may want to offer to the pending D.C. appropriations bill. I believe perhaps there is a Senator that is waiting that will have an amendment that he could offer tonight, and have debated, if it is not worked out in the interim.

On Friday, tomorrow, beginning at 10 o'clock a.m., the Senate will begin consideration of the campaign finance reform legislation. I expect a full day of debate on that issue. However, no votes will occur during Friday's session of the Senate.

On Monday, the Senate will resume consideration of the campaign finance reform bill. Again, however, no votes will occur at that time.

On Tuesday, September 30, I expect that following the 11 a.m. cloture vote the Senate might be in a position to complete action on the last remaining appropriation bill, the D.C. appropriations bill. It will depend on what happens, of course, with the vote on the Coats amendment, and there are a couple of other key amendments that are still pending. Also, since Tuesday is the end of fiscal year, the Senate will consider the continuing resolution. We believe we have a continuing resolution agreed to that will be clean, and with a date that I discussed with the Democratic leader and with our leadership on the other side of the Capitol. Therefore, votes will occur throughout the day on Tuesday, and of course the pending business at that time will still be campaign finance reform.

Wednesday, October 1, is the start of the Jewish holiday. Therefore, votes will not occur past 1 p.m. However, the Senate will be considering the campaign finance reform bill for debate as long as Members want to remain into the evening. On Thursday, October 2, there will be no rollcall votes in observance of the Jewish holiday.

I expect the Senate to resume consideration of the campaign finance reform bill on Friday, October 3. However, no votes will occur. Again, with regard to the 3d, we want to talk with all the interested Senators to see whether we want to have debate or not. Then we will continue on campaign finance reform the next week but we would like to reserve further commitments on time or identification of when votes might occur until we have had time to get started with the debate and see how things go.

I thank my colleagues for their cooperation and remind Senators following these two back-to-back votes there will be no further votes today, and the next vote will occur 11 a.m. on Tuesday, September 30.

Mr. DASCHLE. Mr. President, I appreciate the opportunity to have some discussion with the majority leader about this schedule. I have not had the opportunity to discuss this matter at any great length with our colleagues, but I want to thank the majority leader. I think this is a schedule that affords a good opportunity to debate campaign finance reform. It takes into account the Jewish holiday and the need for our Jewish colleagues to be away. It does afford the opportunity, as well, to take up other issues later on in October. I think it is a very good schedule and I look forward to getting into the debate tomorrow and working with the majority leader to schedule the other matters as they come available to us.

I hope our colleagues would avail themselves of the opportunity to begin the debate tomorrow. I know I will be on the floor, and I am sure many of my colleagues will, and we will have a good debate. I am sure we will have a number of opportunities to debate amendments and have votes over the course of that time.

Mr. LOTT. I might say, Mr. President, continuing with my leader time, I met with the committee leaders and discussed legislation on both sides of the aisle—for instance, the ISTEA, or the highway infrastructure bill—as to when they would be ready with that legislation to go to the floor and how much time that might take. We also have been looking at fast-track trade legislation, when that might be available.

It was obvious to me that we had a window here in the next few days that we could take up the debate on campaign finance reform, but as we got on into October we would need to have time for the highway bill and the fast-track legislation.

I do think it is important that we continue our effort to get a 6-year transportation bill that is within the budget. I have been discussing this with the chairman of the committee and the ranking member. They agree. So we intend to go forward somewhere around the 7th or 8th on the highway infrastructure bill.

I just wanted to give that explanation as to why this decision was made.

Mr. DASCHLE. If I could ask the majority leader a question, I made an assumption about the schedule. It just occurred to me that I had not clarified this, but I assume that the majority leader would anticipate votes on campaign finance reform on Tuesday the 30th and Wednesday the 1st of October; is that correct?

Mr. LOTT. I had not anticipated votes at that time. I assume those days, most of the votes will be on the appropriation conference reports and the continuing resolution.

I had thought we would need more time for debate before we started voting on that. I didn't specify it, but I assumed the votes would not come until the 6th or 7th of October.

Mr. MCCAIN. Will the Senator yield?

Mr. LOTT. I yield the floor.

Mr. MCCAIN. First of all, I thank the majority leader. It is an affirmation of the word he gave last week which all of us here in this body knew was going to happen, and did not need a letter from

the President of the United States. I do thank the majority leader for the timely consideration of this issue.

Let me also just point out I understand that there has to be vigorous debate on this issue. There also has to be votes. It is our intention to have votes on various amendments throughout this debate, and we need to have everyone on record on this issue. Also, I know I can count on the majority leader and the distinguished Democratic leader in trying to bring closure to this debate, to this issue, after reasonable debate, in one fashion or another.

Again, I want to thank the majority leader. It shows again the majority leader of this Senate, as was the case when the other side was the majority, when the leader gives his word, when the majority leader gives his word, it is good. And if it were otherwise, this body does not function.

I thank the majority leader and I thank the Democratic leader for all of his cooperation.

Mr. STEVENS. Will the Senator yield?

Mr. LOTT. I am happy to yield to the Senator.

Mr. STEVENS. Mr. President, I note that there is an understanding between us that conference reports coming out of the Appropriations Committee will receive prompt attention, but I wanted to make sure everyone understands that means putting aside anything that is here, to try and get these bills to the President before the end of the fiscal year.

Mr. LOTT. Mr. President, they are privileged, and would be brought up as soon as they are available. That is our highest priority as we reach the end of the fiscal year, and we want to move to immediate consideration of a continuing resolution also when it is available, if it is necessary, which I presume it will be.

Mr. STEVENS. Mr. President, the pending unanimous-consent agreement would provide 8 hours on that. I hope that, too, would be subject to taking up the conference reports as they become available.

Mr. LOTT. It would be. I hope we would not take 8 hours on the CR. I hope we have an understanding what is in it. It would be clean, I believe. There are only two amendments in order, one on each side. I hope maybe that would not be necessary and we would have short debate and go straight to vote.

Mr. STEVENS. I am sure Senator BYRD and I appreciate that very much.

Mr. LOTT. I yield the floor.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1998—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the yeas and nays have been ordered on the defense appropriations conference report. The question is on agreeing to the conference report.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN] and the Senator from Maryland [Ms. MIKULSKI] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 5, as follows:

[Rollcall Vote No. 258 Leg.]

YEAS—93

Abraham	Faircloth	Lott
Akaka	Feinstein	Lugar
Allard	Ford	Mack
Ashcroft	Frist	McCain
Baucus	Glenn	McConnell
Bennett	Gorton	Moseley-Braun
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Boxer	Grams	Murray
Breaux	Grassley	Nickles
Brownback	Gregg	Reed
Bryan	Hagel	Reid
Burns	Hatch	Robb
Byrd	Helms	Roberts
Campbell	Hollings	Rockefeller
Chafee	Hutchinson	Roth
Cleland	Hutchison	Santorum
Coats	Inhofe	Sarbanes
Cochran	Inouye	Sessions
Collins	Jeffords	Shelby
Conrad	Johnson	Smith (NH)
Coverdell	Kempthorne	Smith (OR)
Craig	Kennedy	Snowe
D'Amato	Kerrey	Specter
Daschle	Kerry	Stevens
DeWine	Kyl	Thomas
Dodd	Landrieu	Thompson
Domenici	Lautenberg	Thurmond
Dorgan	Leahy	Torricelli
Durbin	Levin	Warner
Enzi	Lieberman	Wyden

NAYS—5

Bumpers	Harkin	Wellstone
Feingold	Kohl	

NOT VOTING—2

Biden	Mikulski

The conference report was agreed to.

Mr. INOUYE. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

NOMINATION OF KATHARINE SWEENEY HAYDEN, OF NEW JERSEY, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY

The PRESIDING OFFICER (Mr. DEWINE). Under the previous order, the Senate will go into executive session to consider the nomination of Katharine Sweeney Hayden, of New Jersey, to be U.S. district judge for the District of New Jersey, which the clerk will report.

The legislative clerk read the nomination of Katharine Sweeney Hayden, of New Jersey, to be U.S. district judge for the District of New Jersey.

Mr. NICKLES. Mr. President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Katharine Sweeney Hayden, of New Jersey, to be U.S. district judge for the District of New Jersey? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. Mr. President, I announce that the Senator from Vermont, [Mr. JEFFORDS] is necessarily absent.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN] and the Senator from Maryland [Ms. MIKULSKI] are necessarily absent.

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 259 Ex.]

YEAS—97

Abraham	Feingold	Lugar
Akaka	Feinstein	Mack
Allard	Ford	McCain
Ashcroft	Frist	McConnell
Baucus	Glenn	Moseley-Braun
Bennett	Gorton	Moynihan
Bingaman	Graham	Murkowski
Bond	Gramm	Murray
Boxer	Grams	Nickles
Breaux	Grassley	Reed
Brownback	Gregg	Reid
Bryan	Hagel	Robb
Bumpers	Harkin	Roberts
Burns	Hatch	Rockefeller
Byrd	Helms	Roth
Campbell	Hollings	Santorum
Chafee	Hutchinson	Sarbanes
Cleland	Hutchison	Sessions
Coats	Inhofe	Shelby
Cochran	Inouye	Smith (NH)
Collins	Johnson	Smith (OR)
Conrad	Kempthorne	Snowe
Coverdell	Kennedy	Specter
Craig	Kerrey	Stevens
D'Amato	Kerry	Thomas
Daschle	Kohl	Thompson
DeWine	Kyl	Thurmond
Dodd	Landrieu	Torricelli
Domenici	Lautenberg	Warner
Dorgan	Leahy	Wellstone
Durbin	Levin	Wyden
Enzi	Lieberman	
Faircloth	Lott	

NOT VOTING—3

Biden	Jeffords	Mikulski

The nomination was confirmed.

STATEMENT ON NOMINATION OF JUDGE KATHERINE SWEENEY HAYDEN

Mr. LEAHY. Mr. President, today is the 40th anniversary of the beginning of the end of racial segregation in the public schools in Little Rock, AR. As we turn to reflect on Little Rock and the aftermath of the Supreme Court's landmark decision on public school segregation, we should consider the important lessons those times still hold for us today. Little Rock was a testing point in our history when the rule of law and respect for our courts and Constitution prevailed.

Three years earlier, the Supreme Court's unanimous Brown versus Board of Education decision prompted a concerted assault on the judiciary. On March 12, 1956, 81 Members of Congress signed a resolution condemning that ruling as a ''clear abuse of judicial power'' and part of a ''trend in the Federal judiciary to legislate, in derogation of the authority of Congress, and

to encroach upon the reserved rights of the people.'' Billboards sprouted around the country demanding the impeachment of Chief Justice Earl Warren. Justice Clarence Thomas recalls that as a young man his ''most vivid childhood memory of the Supreme Court was the 'Impeach Earl Warren' signs that lined Highway 17 near Savannah. I didn't understand who this Earl Warren fellow was, but I knew he was in some kind of trouble.''

It should concern all of us that a pattern resembling that which followed the Supreme Court's decision in Brown is being repeated. It has once again become fashionable in some quarters to sloganeer about impeaching Federal judges. This year's continuing attack on the judicial branch, the slowdown in the processing of the scores of good women and men the President has nominated to fill vacancies on the Federal courts, and widespread threats of impeachment are all part of a partisan, ideological effort to intimidate the judiciary. Extremist elements have turned their fire on the branch of Government most protective of our freedoms but the least equipped to protect itself from political attacks.

We are hearing from some Members of Congress a clamor for impeachment when a judge renders a decision that irritates them. We are hearing demands that Congress destroy the orderly process of appellate court and Supreme Court review and, instead, assume the role of a supercourt that would legislatively review and veto individual decisions. We are seeing proposals to amend the Constitution, to eliminate the independence and lifetime tenure of judges. Extreme rhetoric and outlandish proposals have contributed to a poisonous atmosphere in which the Federal justice system is overloaded.

Last week on the 210th anniversary of the signing of the Constitution, a newspaper reported that the majority leader of the Senate applauded the idea of Republicans plotting to intimidate the Federal judiciary, commenting that ''it sounds like a good idea to me.'' For the majority leader of the Senate to join an acknowledged attack on the independence and integrity of the Federal judiciary is a troubling and disappointing development that shows how easily political leaders can succumb to such political temptations, even at the expense of the checks and balances that are needed to protect our rights.

It is one thing to criticize the reasoning of an opinion, or the result in a case, or to introduce legislation to change the law. It is quite another matter to undercut the separation of powers and the independence that the Founders created to insulate the judiciary from politics. Independent judicial review has been a crucial check on two political branches of our Government that has served us so well for more than two centuries. This bedrock principle has helped preserve our freedoms and helped make this country the model for emerging democracies around the world.

Something that sets our Nation—the world's oldest continuing democracy—apart from virtually all others is the independence of our Federal judiciary and the respect that the public and that political leaders give it. Every fledgling democracy sends observers to the United States to study and emulate our independent judiciary, the envy of the world. The independence of our third, coequal branch of Government gives it the ability to fairly and impartially arbiter disputes, to prevent overreaching by the other two branches, and to defend our individual rights and freedoms that are so susceptible to the gusting political winds of the moment.

In the 23 years that I have been privileged to serve in the U.S. Senate I have never known a time when the Senate's leadership, Republican or Democratic, would tolerate partisan and ideological politics to so divert the institution from its constitutional responsibilities to the third, coequal branch of Government.

The Nation needs to move forward, as we did after President Eisenhower acted to restore the rule of law. The citizens of Little Rock and other cities throughout the country accepted the constitutional imperative to end segregated schools. A few years later Congress acted to pass the historic Civil Rights Act of 1964 and the Voting Rights Act of 1965. In 1997, can anyone say that we are not a better and stronger nation for having honored the Supreme Court's Brown decision by enforcing it in Little Rock?

The American people know that a fair and impartial judiciary is key to maintaining our democracy and our rights. The continuing partisan campaign against qualified and fair judicial nominees has to come to an end. If the judiciary is to retain its ability to protect our rights and freedoms as we move into a new century of American history, if it is to serve as a check on the political branches, it must have the judges and resources necessary to the task. Vacant courtrooms and empty benches cannot hear criminal trials, enforce our environmental protection laws, resolve legal claims or uphold the Constitution against encroachment.

I am delighted that the majority leader has decided to take up the nomination of Judge Katherine Sweeney Hayden to be a U.S. district judge for the District of New Jersey. Judge Sweeney Hayden is a well-qualified nominee.

Since 1991, the nominee has been a judge on the superior court in Newark, NJ. The ABA has unanimously found her to be well qualified, its top rating. She has the support of Senators LAUTENBERG and TORRICELLI. She had a confirmation hearing on June 25 and was reported by the Judiciary Committee on July 10 along with the nomination of Anthony Ishii to be a district judge in the Eastern District of California, whose nomination remains pending on the Senate Calendar. Her nomination has been held up for the last 2½ months without explanation and I am glad to see it finally being brought forward. I congratulate Judge Sweeney Hayden and her family and look forward to her service on the federal court.

I spoke on September 5 and 11 urging that this nomination and the others on the calendar be considered. There are now five other judicial nominations ready for Senate consideration. Unfortunately, they are not being taken up today and I know of no plan for them to be taken up any time soon.

With Senate confirmation of these district judges, the Senate will still be a confirmation short of the dismal total of last year. We still have more than 40 nominees among the 68 nominations sent to the Senate by the President who are pending before the Judiciary Committee and have yet to be accorded even a hearing during this Congress.

Many of these nominations have been pending since the very first day of this session, having been renominated by the President. Several of those pending before the committee had hearings or were reported favorably last Congress but have been passed over so far this year, while the vacancies for which they were nominated over 2 years ago persist. The committee has 10 nominees who have been pending for more than a year, including 5 who have been pending since 1995.

While I am encouraged that the Senate is today proceeding with the nomination of Judge Sweeney Hayden, there is no excuse for the committee's delay in considering the nominations of such outstanding individuals as Prof. William A. Fletcher; Judge James A. Beaty, Jr.; Judge Richard A. Paez; Ms. M. Margaret McKeown; Ms. Ann L. Aiken; and Ms. Susan Oki Mollway, to name just a few of the outstanding nominees who have all been pending all year without so much as a hearing. Professor Fletcher and Ms. Mollway had both been favorably reported last year. Judge Paez and Ms. Aiken had hearings last year but have been passed over so far this year. Nor is there any explanation or excuse for the Senate not immediately proceeding to consider the other five judicial nominations pending on the Senate Calendar.

The Senate continues to lag well behind the pace established by Majority Leader Dole and Chairman HATCH in the 104th Congress. By this time 2 years ago, the Senate had confirmed 36 Federal judges. With today's actions, the Senate will have confirmed less than one-half that number, only 16 judges. We still face almost 100 vacancies and have 50 pending nominees to consider with more arriving each week.

For purposes of perspective, let us also recall that by August 1992, during the last year of President Bush's term, a Democratic majority in the Senate had confirmed 53 of the 68 nominees sent to us by a Republican President.

By the end of August this year, this Senate had acted on only 9 out of 61 nominees. Indeed, by the end of September in President Bush's final year in office, the Senate confirmed 59 of his 72 nominees. This Senate is on pace to confirm only 16 out of a comparable number of nominations.

Those who delay or prevent the filling of these vacancies must understand that they are delaying or preventing the administration of justice. We can pass all the crime bills we want, but you cannot try the cases and incarcerate the guilty if you do not have judges. The mounting backlogs of civil and criminal cases in the dozens of emergency districts, in particular, are growing taller by the day. National Public Radio has been running a series of reports all this week on the judicial crises and quoted the chief judge and U.S. attorney from San Diego earlier this week to the effect that criminal matters are being affected.

I have spoken about the crisis being created by the vacancies that are being perpetuated on the Federal courts around the country. At the rate that we are going, we are not keeping up with attrition. When we adjourned last Congress there were 64 vacancies on the federal bench. After the confirmation of 16 judges in 9 months, there has been a net increase of 32 vacancies. The Chief Justice of the Supreme Court has called the rising number of vacancies ''the most immediate problem we face in the Federal judiciary.''

The Judiciary Committee has heard testimony from second circuit, ninth circuit and 11th circuit judges about the adverse impact of vacancies on the ability of the Federal courts to do justice. The effect is seen in extended delay in the hearing and determination of cases and the frustration that litigants are forced to endure. The crushing caseload will force Federal courts to rely more and more on senior judges, visiting judges and court staff.

Judges from the Second Circuit Court of Appeals testified, for example, that over 80 percent of its appellate court panels over the next 12 months cannot be filled by members of that court but will have to be filled by visiting judges. This is wrong.

We ought to proceed without delay to consider the nomination of Judge Sonia Sotomayor to the second circuit and move promptly to fill vacancies that are plaguing the second and ninth circuits. We need to fill the 5-year-old vacancy in the Northern District of New York and move on nominations for over 30 judicial emergency districts.

In choosing to proceed on this nominee, the Republican leadership has chosen for at least the fourth time this month to skip over the nomination of Margaret Morrow. I, again, urge the Senate to consider the long-pending nomination of Margaret Morrow to be a district court judge for the Central District of California.

Ms. Morrow was first nominated on May 9, 1996—not this year, but May 1996. She had a confirmation hearing and was unanimously reported to the Senate by the Judiciary Committee in June 1996. Her nomination was, thus, first pending before the Senate more than 15 months ago. This was one of a number of nominations caught in the election year shutdown.

She was renominated on the first day of this session. She had her second confirmation hearing in March. She was then held off the Judiciary agenda while she underwent rounds of written questions. When she was finally considered on June 12, she was again favorably reported with the support of Chairman HATCH. She has been left pending on the Senate Executive Calendar for more three months and has been passed over, time and again, without justification or explanation.

What is this mystery hold all about? In spite of my repeated attempts to find out who is holding up consideration of this outstanding nominee, and why, I am at a loss.

Ms. Morrow is a qualified nominee to the district court. I have heard no one contend to the contrary. She has been put through the proverbial wringer—including at one point being asked her private views, how she voted, on 160 California initiatives over the last 10 years.

The committee insisted that she do a homework project on Robert Bork's writings and on the jurisprudence of original intent. Is that what is required to be confirmed to the district court in this Congress?

With respect to the issue of ''judicial activism,'' we have the nominee's views. She told the committee:

> The specific role of a trial judge is to apply the law as enacted by Congress and interpreted by the Supreme Court and courts of appeals. His or her role is not to make law.

She also noted:

> Given the restrictions of the case and controversy requirement, and the limited nature of legal remedies available, the courts are ill equipped to resolve the broad problems facing our society, and should not undertake to do so. That is the job of the legislative and executive branches in our constitutional structure.

Margaret Morrow was the first woman President of the California Bar Association and also a past president of the Los Angeles County Bar Association. She is an exceptionally well-qualified nominee who is currently a partner at Arnold & Porter and has practiced for 23 years. She is supported by Los Angeles' Republican Mayor Richard Riordan and by Robert Bonner, the former head of DEA under a Republican Administration. Representative JAMES ROGAN attended her second confirmation hearing to endorse her.

Margaret Morrow has devoted her career to the law, to getting women involved in the practice of law and to making lawyers more responsive and responsible. Her good works should not be punished but commended. Her public service ought not be grounds for delay. She does not deserve this treatment. This type of treatment will drive good people away.

The President of the Women Lawyers Association of Los Angeles, the President of the Women's Legal Defense Fund, the President of the Los Angeles County Bar Association, the President of the National Conference of Women's Bar Association and other distinguished attorneys from the Los Angeles area have all written the Senate in support of the nomination of Margaret Morrow. They write that: ''Margaret Morrow is widely respected by attorneys, judges and community leaders of both parties'' and she ''is exactly the kind of person who should be appointed to such a position and held up as an example to young women across the country.'' I could not agree more.

Mr. President, the Senate should move expeditiously to consider and confirm Margaret Morrow, along with Anthony Ishii, Richard Lazzara, Christina Snyder and Marjorie Rendell.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

EXPLANATION OF ABSENCE

● Mr. BIDEN. Mr. President, this evening, the Senate conducted two rollcall votes—on the conference report to the Defense Department Appropriations bill and on the nomination of Katharine Sweeney Hayden to be U.S. District Judge for the District of New Jersey. Unfortunately, I was not present for those votes.

Tonight, at my daughter's school in Wilmington is what is called mini roster night. That is what most people know as open house or parents' night—where the parents go around and meet all of the teachers. Because of the Senate voting schedule, I will either have to miss votes or miss mini roster night at my daughter's school.

On both matters voted on tonight, my position is already on the record, and my vote is not expected to change the outcome.

With regard to the defense bill, I voted for the bill on July 15 when it passed the Senate by the overwhelming margin of 94–4. There have been no substantial changes in the legislation, and I continue to support it.

On July 10, the Senate Judiciary Committee reported out the nomination of Katharine Sweeney Hayden to be a New Jersey district judge. I supported her nomination, and I continue to do so.

Again, Mr. President, on both matters, my vote is not expected to change the outcome, and therefore, I have decided to attend parents' night at my daughter's school. I appreciate the understanding of my colleagues and my constituents.●

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate returns to legislative session.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I send an amendment to the desk——

Mr. COATS. Mr. President, parliamentary inquiry. What is the regular order?

The PRESIDING OFFICER. Does the Senator from Florida yield for a parliamentary inquiry?

Mr. GRAHAM. I yield for a parliamentary inquiry but retaining the floor.

Mr. COATS. Mr. President, it was my understanding that we would immediately return, after these votes, under the previous unanimous-consent request, to consideration of the pending amendment and that there was a little bit of time remaining. I only say that, not because I want to use the time—I know Members want to speak on a number of subjects—but because Senator BROWNBACK had been on the list to speak. He was precluded by the clock when we shifted over under the order. I am just inquiring as to whether or not that is the case.

The PRESIDING OFFICER. The Senator is correct. There is a pending amendment, and the Senator controls 29 minutes. It would take unanimous consent to set it aside.

The Senator from Florida was the first Senator to seek recognition when we returned to the amendment.

Mr. COATS. Mr. President, I want to, first of all, inform my colleagues that I have no intention of using the 29 minutes.

I do, also, though, want to say that I had promised the Senator from Kansas he would be first up. He has commitments. I have commitments. He was in line, and the clock precluded him from getting his statement in. I would be willing to forgo all but about 1 minute of my remarks if we could go forward with this, and we will get to the other Senators as quickly as possible. A lot of people have been waiting all afternoon to speak, but they were not allowed to speak because of the unanimous consent agreement. We had promised them, if they were here right after the votes, they would be first up.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida has the floor, having been recognized. The Senator from Florida, having heard the explanation, is in position to control the time.

Has unanimous consent been requested?

Mr. COATS. Mr. President, parliamentary inquiry. I do not mean to drag this out here. I don't understand the procedure. I thought anything other than the pending amendment was out of order without unanimous consent, that recognition had nothing to do with it.

The PRESIDING OFFICER. The Senator from Florida achieved recognition. If he wishes to set aside the pending amendment and proceed with an amendment of his own, it would require unanimous consent.

Mr. COATS. On the part of the Senator from Florida.

The PRESIDING OFFICER. On the part of the Senator from Florida.

The Senator from Florida.

Mr. GRAHAM. Mr. President, my purpose, with my colleague, is solely to introduce an amendment which we will then ask to be set aside for consideration on Tuesday. We will be, I think, less than 90 seconds in completing this task. So I ask unanimous consent to set aside the pending amendment for the purpose of offering this amendment in hopes that we complete this task, and then we will relinquish the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Florida.

AMENDMENT NO. 1252

(Purpose: To provide relief to certain aliens who would otherwise be subject to removal from the United States)

Mr. GRAHAM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM], for himself, Mr. MACK, and Mr. KENNEDY, proposes an amendment numbered 1252.

Mr. GRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

"SEC.—. IMMIGRATION REFORM TRANSITION ACT OF 1997.

(a) IN GENERAL.—Section 240A, subsection (e), of the Immigration and Nationality Act is amended—

(1) in the first sentence, by striking ''this section'' and inserting in lieu thereof'' section 240A(b)(l)'';

(2) by striking '', nor suspend the deportation and adjust the status under section 244(a) (as in effect before the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996),''; and

(3) by striking the last sentence in the subsection and inserting in lieu thereof: ''The previous sentence shall apply only to removal cases commenced on or after April 1, 1997, including cases where the Attorney General exercises authority pursuant to paragraphs (2) or (3) of section 309(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104–208, Division C, 110 Stat. 3009).''.

(b) REPEALERS.—Section 309, subsection (c), of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104–208, Division C, 110 Stat. 3009) is amended by striking paragraphs (5) and (7).

(c) SPECIAL RULE.—Section 240A of the Immigration and Nationality Act is amended—

(1) In subsection (b), paragraph (3), by striking ''(1) or (2)'' in the first and third sentences of that paragraph and inserting in lieu thereof ''(1), (2), or (3)'', and by striking the second sentence of that paragraph;

(2) In subsection (b), by redesignating paragraph (3) as paragraph (4);

(3) In subsection (d), paragraph (1), by striking ''this section.'' and inserting in lieu thereof'' subsections (a), (b)(1), and (b)(2).'';

(4) in subsection (b), by adding after paragraph (2) the following new paragraph—

''(3) SPECIAL RULE FOR CERTAIN ALIENS COVERED BY THE SETTLEMENT AGREEMENT IN *American Baptist Churches et al. v. Thornburgh* (ABC), 760 F. Supp. 796 (N.D. Cal. 1991)—

''(A) The Attorney General may, in his or her discretion, cancel removal and adjust the status from such cancellation in the case of an alien who is removable from the United States if the alien demonstrates that—

(i) the alien has not been convicted at any time of an aggravated felony and

''(I) was not apprehended after December 19, 1990, at the time of entry, and is either

''(aa) a Salvadoran national who first entered the United States on or before September 19, 1990, and who registered for benefits pursuant to the ABC settlement agreement on or before October 31, 1991, or applied for Temporary Protected Status on or before October 31, 1991; or

''(bb) a Guatemalan national who first entered the United States on or before October 1, 1990, and who registered for benefits pursuant to the ABC settlement agreement by December 31, 1991; or

''(cc) the spouse or unmarried son or daughter of an alien described in (aa) of this subclause, provided that the spouse, son or daughter entered the United States on or before September 19, 1990, or the spouse or unmarried son or daughter of an alien described in (bb) of this subclause, provided that the spouse, son or daughter entered the United States on or before October 1, 1990; or

''(II) is an alien who

(aa) is a Nicaraguan, Guatemalan, or Salvadoran who filed an application for asylum with the Immigration and Naturalization Service before April 1, 1990, and the Immigration and Naturalization Service had not granted, denied, or referred that application as of April 1, 1997; or

(bb) is the spouse or unmarried son or daughter of an alien described in (aa) of this subclause, provided that the spouse, son or daughter entered the United States on or before April 1, 1990; and

''(ii) the alien is not described in paragraph (4) of section 237(a) or paragraph (3) of section 212(a) of the Act; and

''(iii) the alien

''(I) is removable under any law of the United States except the provisions specified in subclause (II) of this clause, has been physically present in the United States for a continuous period of not less than seven years immediately preceding the date of such application, and proves that during all of such period he was and is a person of good moral character, and is a person whose removal would, in the opinion of the Attorney General, result in extreme hardship to the alien or to his spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence; or

''(II) is removable under paragraph (2) (other than section 237(a)(2)(A)(iii)) of section 237(a), paragraph (3) of section 237(a), or paragraph (2) of section 212(a), has been physically present in the United States for a continuous period of not less than 10 years immediately following the commission of an act, or the assumption of a status, constituting a ground for deportation, and proves that during all of such period he has been and is a person of good moral character, and is a person whose removal would, in the opinion of the Attorney General, result in exceptional and extremely unusual hardship to the alien or to his spouse, parent or child, who is a citizen of the United States, or an alien lawfully admitted for permanent residence.

''(B) Subsection (d) of this section shall not apply to determinations under this paragraph, and an alien shall not be considered

to have failed to maintain continuous physical presence in the United States under clause (A)(iii) of this paragraph if the alien demonstrates that the absence from the United States was brief, casual, and innocent, and did not meaningfully interrupt the continuous physical presence.

''(C) The determination by the Attorney General whether an alien meets the requirements of subparagraph (A) or (B) of this paragraph is final and shall not be subject to review by any court. Nothing in the preceding sentence shall be construed as limiting the application of subparagraph (B) of section 242(a)(2) to other eligibility determinations pertaining to discretionary relief under this Act.''

(d) EFFECTIVE DATE OF SUBTITLE (C).—The amendments made by subtitle (c) shall be effective as if included in Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104–208, Division C, 110 Stat. 3009).

(e) APPEAL PROCESS.—Any alien who has become eligible for suspension of deportation or cancellation of removal as a result of the amendments made by subsection (b) and (c) may, notwithstanding any other limitations on motions to reopen imposed by the Immigration and Nationality Act or by regulation file one motion to reopen to apply for suspension of deportation or cancellation of removal. The Attorney General shall designate a specific time period in which all such motions to reopen must be filed. The period must begin no later than 120 days after the date of enactment of this Act and shall extend for a period of 180 days.

Mr. GRAHAM. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 1253 TO AMENDMENT NO. 1252

(Purpose: To provide relief to certain aliens who would otherwise be subject to removal from the United States)

Mr. MACK. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. MACK] for himself, Mr. GRAHAM, and Mr. KENNEDY proposes an amendment numbered 1253 to amendment No. 1252.

Mr. MACK. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the word ''**SEC. .** and insert the following:

IMMIGRATION REFORM TRANSITION ACT OF 1997.

(A) IN GENERAL.—Section 240A, subsection (e), of the Immigration and Nationality Act is amended—

(1) in the first sentence, by striking ''this section'' and inserting in lieu thereof ''section 240A(b)(1)'';

(2) by striking '', nor suspend the deportation and adjust the status under section 244(a) (as in effect before the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996),''; and

(3) by striking the last sentence in the subsection and inserting in lieu thereof: ''The previous sentence shall apply only to removal cases commenced on or after April 1, 1997, including cases where the Attorney General exercises authority pursuant to paragraphs (2) or (3) of section 309(c) of the illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104–208, Division C, 110 Stat. 3009).''.

(b) REPEALERS.—Section 309, subsection (c), of the illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104–208, Division C, 110 Stat. 3009) is amended by striking paragraphs (5) and (7).

(c) Special Rule.—Section 240A of the Immigration and Nationality Act is amended—

(1) In subsection (b), paragraph (3), by striking ''(1) or (2)'' in the first and third sentences of that paragraph and inserting in lieu thereof ''(1), (2), or (3)'', and by striking the second sentence of that paragraph;

(2) In subsection (b), by redesignating paragraph (3) as paragraph (4);

(3) In subsection (d), paragraph (1), by striking ''this section.'' and inserting in lieu there of ''subsections (a), (b)(1), and (b)(2).'';

(4) in subsection (b), by adding after paragraph (2) the following new paragraph—

''(3) SPECIAL RULE FOR CERTAIN ALIENS COVERED BY THE SETTLEMENT AGREEMENT IN AMERICAN BAPTIST CHURCHES ET AL. V. THORNBURGH (ABC), 760 F. SUPP. 796 (N.D. CAL. 1991).—

''(A) The Attorney General may, in his or her discretion, cancel removal and adjust the status from such cancellation in the case of an alien who is removable from the United States if the alien demonstrates that—

''(i) the alien has not been convicted at any time of an aggravated felony and—

''(I) was not apprehended after December 19, 1990, at the time of entry, and is either—

''(aa) a Salvadoran national who first entered the United States on or before September 19, 1990, and who registered for benefits pursuant to the ABC settlement agreement on or before October 31, 1991, or applied for Temporary Protected Status on or before October 31, 1991; or

''(bb) a Guatemalan national who first entered the United States on or before October 1, 1990, and who registered for benefits pursuant to the ABC settlement agreement by December 31, 1991; or

''(cc) the spouse or unmarried son or daughter of an alien described in (aa) of this subclause, provided that the spouse, son or daughter entered the United States on or before September 19, 1990, or the spouse or unmarried son or daughter of an alien described in (bb) of this subclause, provided that the spouse, son or daughter entered the United States on or before October 1, 1990; or

''(II) is an alien who—

(aa) is a Nicaraguan, Guatemalan, or Salvadoran who filed an application for asylum with the Immigration and Naturalization Service before April 1, 1990, and the Immigration and Naturalization Service had not granted, denied, or referred that application as of April 1, 1997; or

(bb) is the spouse or unmarried son or daughter of an alien described in (aa) of this subclause, provided that the spouse, son or daughter entered the United States on or before April 1, 1990; and—

''(ii) the alien is not described in paragraph (4) of section 237(a) or paragraph (3) of section 212(a) of the Act; and—

''(iii) the alien—

''(I) is removable under any law of the United States except the provisions specified in subclause (II) of this clause, has been physically present in the United States for a continuous period of not less than seven years immediately preceding the date of such application, and proves that during all of such period he was and is a person of good moral character, and is a person whose removal would, in the opinion of the Attorney General, result in extreme hardship to the alien or to his spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence; or—

''(II) is removable under paragraph (2) (other than section 237(a)(2)(A)(iii)) of section 237(a), paragraph (3) of section 237(a), or paragraph (2) of section 212(a), has been physically present in the United States for a continuous period of not less than 10 years immediately following the commission of an act, or the assumption of a status, constituting a ground for deportation, and proves that during all of such period he has been and is a person of good moral character, and is a person whose removal would, in the opinion of the Attorney General, result in exceptional and extremely unusual hardship to the alien or to his spouse, parent or child, who is a citizen of the United States, or an alien lawfully admitted for permanent residence.

''(B) Subsection (d) of this section shall not apply to determinations under this paragraph, and an alien shall not be considered to have failed to maintain continuous physical presence in the United States under clause (A)(iii) of this paragraph if the alien demonstrates that the absence from the United States was brief, casual, and innocent, and did not meaningfully interrupt the continuous physical presence.

''(C) The determination by the Attorney General whether an alien meets the requirements of subparagraph (A) or (B) of this paragraph is final and shall not be subject to review by any court. Nothing in the preceding sentence shall be construed as limiting the application of subparagraph (B) of section 242(a)(2) to other eligibility determinations pertaining to discretionary relief under this Act.''.

(d) EFFECTIVE DATE OF SUBTITLE (C).—The amendments made by subtitle (c) shall be effective as if included in Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104–208, Division C, 110 Stat. 3009).

(e) APPEAL PROCESS.—Any alien who has become eligible for suspension of deportation or cancellation of removal as a result of the amendments made by subsection (b) and (c) may, notwithstanding any other limitations on motions to reopen imposed by the Immigration and Nationality Act or by regulation file one motion to reopen to apply for suspension of deportation or cancellation of removal. The Attorney General shall designate a specific time period in which all such motions to reopen must be filed. The period must begin no later than 120 days after the date of enactment of this Act and shall extend for a period of 180 days.

(f) EFFECTIVE DATE OF SECTION.—This section shall take effect one day after enactment of this Act.

Mr. MACK. Mr. President, I ask unanimous consent that both the first- and second-degree amendments be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The underlying business is the amendment of the Senator from Indiana.

AMENDMENT NO. 1249

Mr. COATS. Mr. President, I thank the Chair. I again inform my colleagues that we will be brief. I am just trying to fill some commitments we made earlier. I will dispense with my ringing, articulate, persuasive rebuttals to the opponents of this

amendment that I have ready to go here, to Senator BOXER and Senator KENNEDY and others who spoke against the amendment, and save those until Tuesday. Even though I have the attention of my colleagues who are in the Chamber that I might not have on Tuesday, I will have to trust that yielding the time is probably more persuasive in getting support for my amendment than giving those arguments at this particular point. So, I will defer that. However, I have made a commitment to the Senator from Kansas. I think he is going to be relatively brief. I yield to him such time as he may consume. Then, if no one else wants to speak on this particular amendment, I will be happy to yield back.

Mr. LAUTENBERG. Mr. President, I have a question to the Senator from Indiana. Is there currently a time agreement?

Mr. COATS. Yes.

The PRESIDING OFFICER (Mr. SESSIONS). There is.

Mr. LAUTENBERG. May I ask further how much time is left?

The PRESIDING OFFICER. There remain 25 minutes for the Senator from Indiana.

Mr. COATS. We have no intention, I tell the Senator, of using that much time. I think the Senator from Kansas has less than 10 minutes and I will defer my time until tomorrow.

Mr. LAUTENBERG. I can hardly wait, and I thank the Senator.

The PRESIDING OFFICER. The Senator from Kansas. Mr. BROWNBACK. Mr. President, I thank my colleague from Indiana for yielding this time and bringing forward this amendment. I think it is a very important, excellent amendment and I rise in support of it. I chair the Senate subcommittee that has oversight over the District of Columbia. I, and Senator LIEBERMAN who is the ranking Democrat on that committee, are both cosponsors of the Coats amendment.

I would just like to inform the Members of this body and others that we have had extensive hearings on the D.C. Public School System. We have been out and looked at the schools. We have been in the public schools. We have been in the charter schools. We have looked at the D.C. Public School System. My conclusion of the D.C. School System is the same as the D.C. Control Board's conclusion, that is that this system has failed the students.

The D.C. Control Board, in their own statements regarding the D.C. Public School System, said this: They said that the longer students stay in the District of Columbia public schools, the worse they do. That is the Control Board's own assessment of what has happened to the D.C. public schools. I think that is a crime to the students, to the children of the District of Columbia who are in these schools. We should not be putting them in a situation where the school system has failed them. That is wrong. That is wrong of us to allow it to take place.

We have also had hearings with General Becton, who has been put in charge of the District of Columbia public schools. He is an admirable man. He is a good man who believes he is on the toughest assignment he has ever had. He has been a general in the military and he's a quality individual. The general says to us: Give me 3 years to fix this system up. Give me 3 years to be able to get the system back correct. I know it is a failed system. I know it's not working for the children in the District. I know we have failures in it, that the test scores are not what they should be, that the schools have not performed, that they are not as safe as they should be, that we are having repair problems to the point that we can't get students in for 3 weeks—but give me 3 years to be able to fix this system up.

I sit out, as a parent who has three children, and ask myself, does my child get a second shot at the first grade during those 3 years? Or the second? Or the third grade? Those are formative, key years for students, for pupils. They don't get 3 years to wait.

I am saying, and I said this to the general, in hearings, I said: General, is it right for us to condemn that student to this system that you admit and state has failed these students? Is that fair to the student? You are saying give us 3 years to improve the school system, and I know he is going to try to do everything he can. But is it fair to this poor child? You have to stare in the face of that child and say, ''I am sorry, you are not going to be able to get the quality of education that you need to have because it is going to take us some time to fix these schools or this school system.'' I don't think that is fair to these students. It is not fair to these pupils.

I think, frankly, if most of us in this body had children and we were living in the District of Columbia, we would not think it would be fair to our kids either to put them into the public school system in this particular situation where we have—and listen to these statistics. They are really frightful.

Let me say as well, this is about improving public education. We have to have better education in this country. We have to have better education for our children. That is what we are after. What I am after, chairing this subcommittee, is to make the District of Columbia a shining example around the world for everything, and in particular, as well, in education. But we are not there now.

Look at some of these statistics. We have fourth graders in the D.C. public school system—78 percent of fourth graders are not at basic reading levels, 78 percent. We have violence problems in the D.C. public schools. We have 26 percent of the teachers surveyed in 1995 say that they were threatened, injured, or attacked in the past year—26 percent. The national average is too high, it's at 14 percent; but 26 percent, 1 of 4 of the teachers. Of the students, 11 percent of the students were threatened or injured with a weapon during the past year—11 percent of the students. And 11 percent were avoiding school for safety reasons during the past 30 days.

Then you have the horrendous incidents that happen when you had students having sexual activity in grade school during the school day. That happened in the District of Columbia. That just touched all of us, saying this cannot be allowed to continue to take place.

This amendment is a simple amendment to try to provide a choice, an opportunity to some students who do not have it and are not able, financially. Their parents are not in a position to be able to do what most Members of Congress do. I say that on a basis of surveys that have been done of Members of Congress. Of those Members of Congress who have responded to a survey, 77 percent of Senators responded and 50 percent had sent or are sending their children to a private school. They had that option because financially we are in a position to be able to do it. And unfortunately, too many of our D.C. children are not in a financial position to be able to do this.

We need to look in their eyes and provide them a choice and provide them this option. This amendment is a simple one, to try to do that. I think it also will help us make better public schools in the District of Columbia by providing some incentive and some competition into the school system in the District of Columbia.

Mr. President, I have other points I may be making next week on this. But I simply say we cannot wait and imprison a student in a system that is a failed system. The people looking over it have already stated this is a failed system. It is not fair to the kids.

Let's say who we are protecting here. We ought to be looking exactly in that child's eye when we vote on this amendment, and say let's give this child a choice and give this child a chance and not put him in a system which, according its own people, is a failed system.

There are some good public schools in the District of Columbia but overall this system has failed. That is why I plead with my colleagues to look at this amendment and give these kids a chance. With that, I yield the floor.

Mr. STEVENS addressed the Chair.

THE PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. I thank the Chair.

(The remarks of Mr. STEVENS and Mr. MURKOWSKI pertaining to the introduction of legislation are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I ask unanimous consent the pending amendment be temporarily laid aside in order for me to proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATIONS CONFERENCE REPORT

Mr. BUMPERS. Mr. President, there were five votes against the conference report on Defense appropriations. I was one of those five. I do not presume to speak for any of the others. I speak only for myself, and I will speak at length on my reasons next week.

But I just want to say tonight that by adopting that conference report we are embarking on the building of a fighter plane called the F–22, which is going to be twice as expensive as any fighter plane ever built. My guess is that it will cost somewhere between $70 and $100 billion when it is finished, for 339. We are embarking on a $4 billion cost of retrofitting the Pacific fleet with D–5 missiles on ships which are already equipped with C–4's, and the C–4's will outlive the ships they are on. And for a lesser reason, of course, the $331 million in the bill on the B–2 bomber.

Mr. President, if you want to spend this for new bombers, be my guest. If you don't, put it in spare parts. If they need spare parts for B–2's, let's appropriate the money to do it. But let's not use that kind of shenanigan to get $331 million in here and hope we can crank up the B–2 program again. We are talking about ringing up new expenditures of close to $100 billion in this. I will elaborate more extensively next week.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent the pending amendment be set aside so I can make some brief remarks about the judge that we just confirmed here in the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATIONS TO KATHARINE SWEENEY HAYDEN

MR. LAUTENBERG. Mr. President, I am very pleased that the Senate has so promptly taken up the nomination of Katharine Sweeney Hayden to serve as a Federal district court judge for the District of New Jersey.

I had the high honor and privilege of recommending Judge Hayden to President Clinton this past February. After review, the President nominated her for this position on June 5, 1997. Judge Hayden's nomination was approved by the Senate Judiciary Committee just weeks later, on July 10, and now we have her nomination before the full Senate. Judge Hayden's nomination has moved this quickly, I believe, because she is a superb candidate who will make an outstanding judge.

Mr. President, recommending candidates to the President for the Federal judiciary is one of the most important aspects of my job as a U.S. Senator. In making these recommendations, I know that I am helping to place someone on the Federal bench who will hold the law and the lives of thousands of Americans in her hands. This is an awesome responsibility and the bedrock on which our Government is founded—a system of justice based on the law. It is incumbent upon us in confirming a judge to know that she has a deep love, respect, and knowledge of the law, an intellect equal to the task, the temperament to preside fairly in the courtroom and treat all with the respect they deserve, and the skill to manage her cases and dispense justice with deliberation but also expedition. Judge Hayden meets all these tests and more.

Mr. President, the respect and admiration for Judge Hayden among those who know her in New Jersey is unanimous. She possesses all of the skills and attributes needed to successfully shoulder the responsibilities of a Federal judge. Her experience in the U.S. attorney's office in New Jersey, in private legal practice, and as a State court judge provide a solid foundation for her upcoming Federal service.

Mr. President, I can also tell the Senate that Judge Hayden possesses a sharp intellect and a keen analytic ability, exceptional courtroom demeanor, and a strong work ethic. She is held in high regard by all segments of the New Jersey legal community, and is strongly supported by her peers on the State and Federal bench. This high evaluation is shared by the litigants and lawyers whom she has represented, worked with, or have appeared before her.

Katharine Sweeney Hayden will bring a breadth of experience—from the courtroom and elsewhere—to the Federal bench. She is currently a judge of the Superior Court of New Jersey—Criminal Division, sitting in Essex County.

Judge Hayden received her undergraduate degree from Marymount College in 1963, and attended graduate school at Bowling Green State University and Seton Hall University, where she earned a master's degree in English literature in 1972 and served as adjunct professor of English.

She received her law degree from Seton Hall University School of Law cum laude in 1975. Upon graduation, she clerked for the Justice Robert Clifford of the New Jersey Supreme Court.

Upon completing her clerkship, Judge Hayden worked in the U.S. attorney's office in New Jersey, before establishing a private practice, which she pursued for 13 years. In recognition of her contribution to the legal profession and the esteem in which she is held by her colleagues, Katharine was elected as the first woman president of the Morris County Bar Association. She was appointed to the New Jersey bench in 1991.

Mr. President, I am pleased to report that Judge Hayden has received a ''well qualified'' rating from the American Bar Association. This is the highest rating for a judicial nominee.

In recognition of her talent, organizational skills, and knowledge of the law, Judge Hayden has been selected to undertake special assignments by the judiciary and State Bar Association of New Jersey. These assignments include service on professional committees on ethics as well as judicial committees on administrative, professional, and substantive matters. Most recently, she was chosen to develop and preside as the first judge of a drug court soon to be established in Essex County, NJ.

Mr. President, I would also like to report to the Senate that Judge Hayden has stressed to me her view that a judge has a responsibility to be fair, to cherish the law and our Constitution, and to treat every lawyer and litigant before her with respect. She has also expressed to me her honor at being nominated for this appointment, and her deep commitment to serving the public and to administering justice fairly for all who appear before her.

Mr. President, Katharine Sweeney Hayden has all of the personal attributes and professional qualifications one could wish for in a judge. And then some.

So, Mr. President, I commend Katharine Hayden to the Senate and, anticipating her confirmation, congratulate her on her appointment, and wish her all the best in her new position. I am very proud to have recommended her to President Clinton. I hope she will serve on our district court for many years. I know she will serve with distinction, dispensing justice to each person who appears before her with compassion, fairness, and wisdom.

Mr. President, I close by saying the country will be well served by the services of Katherine Sweeney Hayden on the bench. We look forward to having her on the court in New Jersey, and I am sure we will continue to hear only the finest about the work she has done and the character that she has brought to her decisions as part of the court.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that I might be permitted to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE IMPORTATION OF SEMIAUTOMATIC ASSAULT RIFLES

Mrs. FEINSTEIN. Mr. President, about 2 weeks ago it came to my attention that several countries may be exporting semiautomatic assault weapons into this country despite the 1968 Gun Control Act, which limits the importation of these weapons.

When I asked the ATF to explain why these weapons were granted import permits, I learned that ATF, in the last few years, has not applied—or at least

has not been consistent in applying—a standard of review for importation of weapons set by Congress under the 1968 Gun Control Act, a standard which has been specifically applied to semiautomatic rifles and shotguns since 1984.

The Gun Control Act of 1968 allows importation of only those types of firearms ''generally recognized as particularly suitable for, or readily adaptable to, sporting purposes.''

DEFINITION OF SPORTING PURPOSES

In 1984, ATF conducted a comprehensive analysis of the sporting purposes of rifles and shotguns. They looked at the legislative history, studied the available literature, made a technical evaluation of the weapons, and conducted a wide-ranging comprehensive survey and determined that there were clear differences between semiautomatic assault rifles and semiautomatic rifles used in traditional sports.

The term ''sporting purposes'' refers to traditional sports such as target shooting, skeet and trap shooting, and hunting.

In 1989, with the support of President Bush, ATF announced the import ban of more than 40 semiautomatic assault weapons. ATF subsequently ruled most of the weapons not legal for importation, stating that ''There is nothing in the law to indicate the term 'sporting purposes' was intended to recognize every conceivable type of activity or competition which might employ a firearm.''

A June 30 ruling by the Eleventh Circuit Court of Appeal heard that: ''The Secretary of the Treasury had implied authority under the Gun Control Act to order temporary suspension.''

Further, the Court's decision stated that arguments against the suspension of these weapons ''places too much emphasis on the rifle's structure for determining whether a firearm falls within the sporting purpose exception. While the Bureau must consider the rifle's physical structure, the Act requires the Bureau to equally consider the rifle's use.''

I do not believe that ATF is currently applying the sporting purposes test based on their own analysis in approving import permits for semiautomatic assault rifles.

As a result of this inconsistency in the standards of review, tens of thousands of military-style assault weapons may, in fact, be coming in to the country from all over the world.

I have spoken directly to President Clinton about this—and I am joined so far by 30 of my colleagues in this request—and that is that he temporarily suspend importation of specific semiautomatic weapons until a determination can be made as to the suitability of these weapons for sporting purposes as required by this Federal statute.

Let me point out that the 1994 assault weapons legislation was not intended, nor do I believe it does, supersede or conflict with the 1968 law.

I have requested from ATF a list of all semiautomatic weapons granted import permits in the last 2 years and the specifications for those weapons, where they are going and to whom, and whether the manufacturer is state or privately owned. They indicate it will take 4 more weeks to provide it.

As of this moment, though, one particular case stands out. It involves a munitions manufacturer owned by our friend and ally, the Government of Israel. The reason we know this is because Israel was up front and indicated to the ATF what weapons they were planning to export. The Los Angeles Times reported the pending export as a part of a recent investigation. That is how I found out, and I now believe and am concerned that a flood of weapons may be taking place into this Nation.

Israel Military Industries, a Government-owned munitions manufacturer, has been granted permission to export to the United States for commercial sale tens of thousands of semiautomatic assault weapons. The weapons, the Uzi American and the Galil Sporter are modeled after weapons used and created for the Israeli military.

The Uzi, because of its reliability and accuracy, has been used by the armed forces of over 20 nations, including the U.S. Secret Service. It features a large pistol grip that extends beneath the center of the body of the weapon. The Uzi is touted as ''lethality in a tiny package'' by a reference book called ''The World's Greatest Small Arms.'' The author of that manual explains that the Uzi grip ''is positioned roughly at the point of balance of the gun which makes the weapon much easier to control when firing bursts.''

The text goes on to explain that the ammunition feed is through the butt and magazines are inserted from below the grip, ''a system that helps the firer replace magazines quickly, especially in the darkness.''

The Uzi American planned for export, according to ATF, is based on the Uzi minicarbine. Except for the shorter length and changes to the stock, again according to the reference book, ''is virtually, in all other respects, identical to the Uzi carbine'' which was barred from importation in 1989 by the ATF under President Bush's order.

The Galil was created in Israel subsequent to the Six Day War in 1967. The Israeli military, looking for a lighter, more convenient weapon, enlisted a design team to combine the best features of the AK–47 and the M–16 rifle. The weapon was finished in 1972 and was used in the 1973 Yom Kippur war.

The modified version of the Galil now planned for export, as it has been described to me, in addition to being designed for semiautomatic fire, is modified as follows:

The bayonet mount was removed. The threaded muzzle for attaching a flash suppressor was removed. And the folding stock, designed for concealability, is replaced by a fixed wooden stock.

The protruding pistol grip, which enables the weapon to be held at the hip to spray fire, was modified by essentially attaching a wood bridge that connects the pistol grip and the stock, called a thumbhole grip. A key point that the ATF ruled is that the grip, as redesigned, protrudes conspicuously and, therefore, still constitutes a pistol grip, an assault weapon characteristic under the 1994 Federal law.

Both the Uzi and Galil, as modified, would be exported with a standard 10-round ammunition clip as required by U.S. law.

However, these weapons are capable of accepting 30-, 50-, and 100-round magazines, millions of which are available and still legally sold in this country and still imported, although they are banned from importation.

Now, even as modified, the Uzi and Galil are capable of firing bullets as fast as the operator can pull the trigger. They each possess a grip that allows the weapon to be fired from the hip, and ATF indicates that with a few alterations, they are able to be made fully automatic.

In short, these are the same type of weapons that many Americans are trying to keep off our streets and out of the hands of criminals. I believe that the permitted importation of tens of thousands of these weapons is a terrible mistake on the part of the ATF. Assault weapons, like the Uzi and the AK–47, which is similar to the Galil, are weapons often used against police, often with deadly results. Let me give you some examples.

A case with which I am very familiar—and I have talked to the commanding officer of this officer who hails from my city, and the incident took place a few blocks from my home—a San Francisco police officer by the name of James Guelff was on duty one November night in 1994. A young father, he was usually the first to arrive on the scene of a crime.

That night, a call came in about a sniper firing at civilians at Pine and California Streets. The perpetrator was armed with several assault rifles and pistols, including a 9-millimeter Uzi semiautomatic pistol, 30- and 50-round clips and more than a thousand rounds of ammunition. He had more firepower than the entire complement of 104 police officers responding to the scene combined.

Officer Guelff, a highly decorated 10-year police veteran, was the first to arrive on the scene. He was immediately pinned down by assault rifle fire. He was struck while attempting to reload his police-issue revolver. He bled to death while his fellow officers and rescue team tried in vain to reach him. Because the suspect was wearing body armor and a Kevlar helmet, officers had to try to angle their shots under the helmet to bring him down. Several other people were shot and injured before the suspect was killed.

Following that incident, I authored legislation which increases criminal sentences for using body armor in the commission of a crime. Thanks to you,

Mr. President, as you know, that legislation, called the James Guelff Body Armor Act, is currently included in S. 10, the juvenile crime bill now before the Senate, and I should say thanks to the chairman of the committee, Senator HATCH.

Less than 1 month ago, police in Tacoma, WA, faced a man with an SKS assault rifle. The man fired on police and struck Officer William Lowry twice, killing him. The rifle, police say, was modified to carry a high-capacity magazine and to fire automatically.

Last February, in Los Angeles, two would-be bank robbers took on approximately 350 police officers from 5 agencies in a major shootout in Hollywood, Los Angeles. The criminals were armed with three fully automatic Norinco assault weapons, modeled after the AK–47, an import from China, a fully automatic HK–9 imported from Germany, a fully automatic Bushmaster assault weapon modeled after the banned AR–15, and a semiautomatic Berreta 9-millimeter pistol. These weapons had all been altered to be made fully automatic.

The perpetrators wore body armor from their neck to their ankles, even going so far as to duct tape body armor to any part of their body that could possibly be exposed. They fired 1,100 rounds of ammunition from high-capacity magazines that could hold as many as 50 bullets, taping them together in a unique way so that they can be replaced quickly in a style used by soldiers in combat. They wounded 11 police officers and 7 civilians before being shot and killed.

This has been shown on many television shows. There is footage of it from beginning to end. I can tell you, the streets resemble a war zone. Police on the scene were so outgunned that they had to go to a nearby gun store and ''borrow'' assault-type weapons in order to match the gunmen's firepower. Governor Wilson has now provided weapons to police departments which are fully automatic, again escalating the battle on our streets.

In addition to Officers Guelff and Lowry, Officer William Christian of Washington, DC, was killed with a MAC–11 in 1995;

Officer John Novabilski of Prince Georges County, MD, killed with a MAC–11 in May 1995;

Officer John Norcross of Haddon Heights, NJ, killed with an AK–47 in April of 1995;

Officer Timothy Howe of Oakland, killed with an AK–47, April 1995;

Officer Daniel Doffyn of Chicago, killed with a TEC–9, March 1995;

Officer Henry Daly, Washington, DC, killed with a TEC–9, November 1994;

Officer Michael Miller of Washington, DC, killed with a TEC–9 in November 1994.

Officer Martha Dixon-Martinez of Washington, DC, killed with a TEC–9 in November 1994.

Officer Julio Andino-Rivera, of Puerto Rico, killed with an AR–15 in September 1994;

Officer Dan Calabrese of Winslow Township, NJ, killed with an Uzi in June of 1994;

And a case I often use, a rookie police officer in Los Angeles on her first call, the top rookie of her class, Christy Hamilton, killed with an AR–15 responding to a domestic violence call.

These weapons are not designed for sporting purposes. They are not designed for hunting. They are the weapons of choice for grievance killers, for gangs, and for those who go up against the police.

They are designed to kill large numbers of people in combat, just as the Uzi and the Galil were designed for the Israeli military to do just that. They have no place on the streets of a civilized society.

Israel has been a friend and an ally to the United States, a friendship I and other Members of this body have strongly supported. It is my personal hope—and I have written to Prime Minister Netanyahu and expressed this—that a nation that understands, perhaps better than most, the paramount importance of any government's responsibility to ensure the safety and security of its people will understand that there is a moral issue at stake here that far outweighs any commercial value the sale of these weapons holds for their country.

There is a munitions manufacturer owned by the State of Israel. And by advancing this export, the Israeli Government is putting the official imprimatur of its people on the commercial sale of weapons designed, not for hunting but for combat, not to protect but to kill.

It is my earnest hope that the Israeli Government will respond to these importunings and will lead the way in and set an example for others to follow.

More than 4,000 people were killed by gang violence in Los Angeles alone in one 5-year period—1991 to 1995—gangs that all too often use these kinds of weapons to terrorize and control neighborhoods.

We do not need more of these weapons on our streets.

As I said, I have asked Prime Minister Netanyahu to personally intervene to stop the export of these weapons to the United States.

I have personally had the opportunity to discuss this with the Israeli Ambassador to the United States. Once again, I appeal to the Prime Minister's sense of what is right and, in the best interest of our continued friendship and the mutual security of our two people, to please prevent this sale.

It is important also to understand that we are not singling out only those weapons being exported by Israel. I have requested information on semiautomatic rifles that have been approved for importation from more than 17 other countries that may have similar military features which distinguish them from the traditional definition of a sporting rifle.

To the extent that any other such weapons are discovered, and if such weapons are manufactured by Government-owned entities as is the case with these weapons, I will be making the same request of those government leaders as well.

In the meantime, 30 of us now urge President Clinton to use his executive authority to temporarily suspend this importation of weapons and to direct the ATF to use the traditional sporting purposes standard in determining whether any semiautomatic assault weapons should be approved for importation to the United States.

I thank the Chair, and I yield the floor.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

MORNING BUSINESS

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CASTRO'S CUBA IS A CRUEL AND FULL-BLOWN PURGATORY

Mr. HELMS. Mr. President, I have at hand an impressive article detailing the oppression that the people of Cuba have long suffered, and still suffer to this day. It was written by Carrol Fisher of Salisbury, NC, and I decided that it should be made available to all Senators—and to others who are concerned about the dictatorship 90 miles off our shores.

Carrol Fisher is a World War II Navy veteran whose first visit to Cuba was in 1944. He fell in love with the island and its people, including the young lady who became his wife 40 years ago. He and Mrs. Fisher [Sonia] returned to Cuba recently to visit his seriously ill sister-in-law. During that visit, he observed the degrading state of affairs in Cuba, the results of Castro's oppressive military government.

When he returned to Salisbury, Mr. Fisher wrote a detailed account of what he had witnessed in Cuba. The article, published in the Salisbury (NC) Post, counsels that the United States under no circumstances should yield in its opposition to Fidel Castro's brutal regime.

Mr. President, I ask unanimous consent that Mr. Fisher's article be printed in the RECORD and the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Salisbury (NC) Post, Aug. 12, 1997]

CASTRO'S CUBA IS A CRUEL AND FULL-BLOWN PURGATORY

(By Carrol J.W. Fisher)

[EDITOR'S NOTE: Carrol J.W. Fisher and his wife, Sonia, who had not seen her native Cuba for 38 years, were recently granted special permission to visit Sonia's seriously ill

sister. Two of their four children, Luke and Mimi, went with them.]

Knowing that conditions in Havana are hard—at least by American standards—is one thing.

Seeing the sad and pitiful conditions and the obvious presence of a military state is another.

We were immediately shocked, revolted and angry to find a manned military station almost every two blocks on Quinta Avenida (5th Avenue), the main travel artery in Havana, where our hotel, the Comodoro, was on the ocean.

Security personnel, wearing blue trousers, white shirts and ties, were armed with handheld radios and/or side arms and monitored every activity of hotel life.

No matter what their dress, they were military men—and I believe our every move was watched and charted. We were the only Americans in the hotel and, the waiters told us, most likely the only Americans who will visit the hotel this year, even though it was for tourists with American dollars.

Local Cubans were not welcome. They could not drive their ragged automobiles to the hotel entrance. They could not park in the parking lot. They were not permitted to go into the guest's rooms. A very small number was tolerated in the lobby.

Sonia was injured while we were there, and I insisted the guard permit some of her relatives into our room. Just as soon as I left for the hospital, they were required to leave and return to the lobby.

Apparently, this military dictatorship is highly organized and so closely administered that every phase of life in Cuba today is controlled by Castro. A medical doctor is paid between 400 and 600 hundred pesos—or, at 22 pesos to a dollar—between $18 and $27 a month. More than one of the drivers of state-controlled taxis told us he is paid 140 pesos—or $6.32—a month.

At our hotel, graduate engineers were washing windows. An electronics engineer was training to be a waiter. A University of Havana graduate in language, a young man who spoke good English, was also training to be a waiter rather than teach English at the university.

I met a friend I knew in the '50s who had studied in an American university. At great personal risk, he supported Castro's revolution, carried ammunition, food, radios, medicines, etc., from the Guantanamo Naval base to the Rebels in the Oriente Mountains, labored for Castro's regime almost 40 years and alienated most of his blood family.

Today he works in a sensitive job 12 and 14-hour-days and is paid 325 pesos or $14.77 a month.

I visited a number of other Cuban friends I knew in the 1950s. Their households were much alike. There were no recent photographs because they cannot afford a camera or the film that sells in Castro's stores for American dollars. They have no adequate radio, no working television, no transportation except maybe one Chinese bicycle. They have no wrist watches except some pitiful Soviet watches that lose 5 minutes each day. They are allowed one 100-pound tank of LP gas from Mexico for cooking and hot water at a cost of 11 pesos. If and when this tank is empty, a replacement costs $26 (572 pesos) which is more than a month's wages.

So much walking is necessary, but no one seemed to have adequate walking shoes. Most of my friends' family members have very few clothes, and what they do have is worn and mostly in tatters.

POOR LIVING CONDITIONS

Kitchens and baths are old and tired. Faucets leak and drip. So do the drains under the sinks and lavatories. Very few houses showed any signs of having been repaired or painted.

People are required to attend block meetings where they gossip and report the activities of their neighbors. I took my Timex watch off and gave it to one of my friends. He was happy and pleased but afraid to wear it for fear of the neighbors. They are morose and have little optimism or hope.

Since the Soviets fell and their aid ceased, Castro calls this ''A Special Time.'' The adjective they use to describe this special time is ''siempre,'' English for ''always.''

Quinta Avenida, the main avenue in all Havana, is deteriorating badly, the paving is cracked and very rough, as are the sidewalks and curbs. I saw holes 3 feet deep washed out behind storm gratings that were dangerous to the many pedestrians. Most of the lampposts had wires pulled out and taped together.

Generally the infrastructure of Havana streets—bridges, walks, parks—is in very poor condition. But the military manned their innumerable posts.

I was introduced to Cuba in 1945 while flying off the carrier Roosevelt. I returned to Guantanamo Naval Base while flying with an anti-submarine squadron. I loved the people. They worked hard building their houses and families. They were fun to be with, happy and lighthearted, had many parties, and danced to wonderful music.

I have lived and visited many countries in the world but never found one like Cuba, where the weather enfolds you in a pleasant comfort zone and the eye rests on pure beauty.

While I was there, I met a school teacher, Sonia, and fell desperately in love, courting her for three years before we married. We have lived in the USA together since October 1957. We have three wonderful sons and a beautiful daughter, all university educated, married successfully, and they have given us six lovely grand children.

BEAUTY HAS DISAPPEARED

But the beautiful Cuba I knew is no more.

I am not qualified to evaluate or judge Fidel Castro's motives for turning a beautiful country into a lower level Third World country. If he is altruistic and wants what is best for the Cuban people, then as an economist, he is an idiot, and his understanding of human psychology is on the level of a moron.

I do not believe he is either of the two.

He was raised in a cultured family, is a graduate of the University of Havana and an experienced attorney. He is a battle-tested military leader who defeated his enemies.

His motivation must come from a super ego that demands that he wield total control over the Cuban society and over the life of each individual Cuban. The terrible injustice, and imbalance he has thrust into the lives of the Cuban people has engendered mistrust, suspicion and jealousy of neighbor for neighbor. His system is destroying the incentive to work and achieve, to make free and independent decisions for their own lives, to hope for something better for their children, and maybe enjoy some measure of peace and happiness for their senior years.

The depth of sadness that pervades the Cuban society today is only exceeded by the pervasive evil of a communist system that is destroying the higher human qualities of millions of people..

Castro made the deliberate choice to embrace Marxism-Leninism at a time that most world leaders had already decided that it was a total failure.

WHERE IS CASTRO?

I saw no sign of Fidel Castro on any billboard or building as we drove around Havana. It is as if he does not exist. One does see signs of Che Guevara, but not Castro. I heard not one single word of condemnation or support for Fidel Castro, but I did hear a lot of criticism of the system.

As we arrived back in the United States, my daughter, Mimi, said, ''What disturbs me most its that Castro has succeeded in making the Cuban people equally poor—from the doctor who makes $18 to $26 a month and must drive a cab at night just to make ends meet, to the waiter in training who is not paid anything. They are all victims of Castro.''

''The trip was a pilgrimage,'' Sonia said. ''I went, I prayed, I visited what is left of my family there. But, this Cuba is not my home.'' And there were tears.

I am joining Senator Helms, the Miami Cuban community, even Mas Canosa, and the conservatives who unfailingly resist any softening of the Cuban embargo.

The Cuban people are suffering badly and should be relieved. But any plan of relief advanced so far will strengthen Castro and his ever-tightening control of every facet of the lives of every single Cuban living in that unhappy island. This is a very difficult decision, but I believe it must be made.

While we were in Cuba, two hotels were bombed, a school was totally destroyed by fire, and I was told by a man who left Santiago, Monday, July 14, that the downed aircraft out of that city that killed all 40 aboard was the work of a terrorist bomb.

He also told me that life in Oriente Province—the one that gave Castro his start—is so desperate that they were leaving in droves to go to Havana.

WHAT OF FUTURE?

Buy today they are being forced to return. Now they are referred to as Palestinians, for they have no home. Just before I left Cuba, I tried to quietly warn my Cuban friends that the Miami Cubans were very wealthy, that they are very powerful, and that they hate Fidel Castro with a deep and pervasive hate, and there is no sign that they will ever relax this hate. I told my friend to be aware of this fact and that they should take what ever precautions they can take.

Do I believe that Fidel Castro is a threat to this country? At this time the answer is no. There are groups of academicians going from university to university in the U.S. conducting seminars designed to promote Castro.

But we must keep in mind that Castro, who is desperate, can and might at any time turn over a chunk of the Cuban island to any number of countries hostile to the U.S. They would be just 90 miles from our shore. Do I have any trust in Castro? Absolutely none.

While we were waiting in the Jose Marti airport, we talked to a Cuban lady from the U.S. who was visiting relatives for the first time in 30 years. With her was her daughter and her daughter's friend. Both the young ladies were attorneys with the N.Y. Justice Department and appeared to be in their mid-30s. We asked the friend of the daughter if she would ever make a return visit to Cuba.

''Yes,'' she said quietly, ''in a thousand years,'' and then she added, ''when I get back to New York City, I will break out my American flag. I will wave that flag. I will play the 'Star Spangled Banner.' And I will behave like the most patriotic American you have ever seen.''

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING SEPTEMBER 19

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending September 19, the United States imported 8,526,000

barrels of oil each day, 1,230,000 barrels more than the 7,296,000 imported each day during the same week a year ago.

Americans relied on foreign oil for 57.3 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf war, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil? By U.S. producers using American workers?

Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 8,526,000 barrels a day.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, September 24, 1997, the Federal debt stood at $5,384,224,726,974.01. (Five trillion, three hundred eighty-four billion, two hundred twenty-four million, seven hundred twenty-six thousand, nine hundred seventy-four dollars and one cent)

One year ago, September 24, 1996, the Federal debt stood at $5,195,855,000,000. (Five trillion, one hundred ninety-five billion, eight hundred fifty-five million)

Five years ago, September 24, 1992, the Federal debt stood at $4,043,587,000,000. (Four trillion, forty-three billion, five hundred eighty-seven million)

Ten years ago, September 24, 1987, the Federal debt stood at $2,336,418,000,000. (Two trillion, three hundred thirty-six billion, four hundred eighteen million)

Fifteen years ago, September 24, 1982, the Federal debt stood at $1,110,360,000,000 (One trillion, one hundred ten billion, three hundred sixty million) which reflects a debt increase of more than $4 trillion—$4,273,864,726,974.01 (Four trillion, two hundred seventy-three billion, eight hundred sixty-four million, seven hundred twenty-six thousand, nine hundred seventy-four dollars and one cent) during the past 15 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING THE NATIONAL EMERGENCY WITH RESPECT TO ANGOLA—MESSAGE FROM THE PRESIDENT—PM 69

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I hereby report to the Congress on the developments since my last report on April 4, 1997, concerning the national emergency with respect to Angola that was declared in Executive Order 12865 of September 26, 1993. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

On September 26, 1993, I declared a national emergency with respect to the National Union for the Total Independence of Angola (''UNITA''), invoking the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) and the United Nations Participation Act of 1945 (22 U.S.C. 287c). Consistent with United Nations Security Council Resolution 864, dated September 15, 1993, the order prohibited the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to the territory of Angola other than through designated points of entry. The order also prohibited such sale or supply to UNITA. United States persons are prohibited from activities that promote or are calculated to promote such sales or supplies, or from attempted violations, or from evasion or avoidance or transactions that have the purpose of evasion or avoidance of the stated prohibitions. The order authorized the Secretary of the Treasury, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, as might be necessary to carry out the purposes of the order.

1. On December 10, 1993, the Treasury Department's Office of Foreign Assets Control (OFAC) issued the UNITA (Angola) Sanctions Regulations (the ''Regulations'') (58 *Fed. Reg.* 64904) to implement my declaration of a national emergency and imposition of sanctions against UNITA. The Regulations prohibit the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to UNITA or to the territory of Angola other than through designated points of entry. United States persons are also prohibited from activities that promote or are calculated to promote such sales or supplies to UNITA or Angola, or from any transaction by any United States persons that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in the Executive order. Also prohibited are transactions by United States persons, or involving the use of U.S.-registered vessels or aircraft, relating to transportation to Angola or UNITA of goods the exportation of which is prohibited.

The Government of Angola has designated the following points of entry as points in Angola to which the articles otherwise prohibited by the Regulations may be shipped: *Airports:* Luanda and Katumbela, Benguela Province; *Ports:* Luanda and Lobito, Benuela Province; and Namibe, Namibe Province; and *Entry Points:* Malongo, Cabinda Province. Although no specific license is required by the Department of the Treasury for shipments to these designated points of entry (unless the item is destined for UNITA), any such exports remain subject to the licensing requirements of the Departments of State and/or Commerce.

There has been one amendment to the Regulations since my report of April 3, 1997. The UNITA (Angola) Sanctions Regulations, 31 CFR Part 590, were amended on August 25, 1997. General reporting, recordkeeping, licensing, and other procedural regulations were moved from the Regulations to a separate part (31 CFR Part 501) dealing solely with such procedural matters. (62 *Fed. Reg.* 45098, August 25, 1997). A copy of the amendment is attached.

2. The OFAC has worked closely with the U.S. financial community to assure a heightened awareness of the sanctions against UNITA—through the dissemination of publications, seminars, and notices to electronic bulletin boards. This educational effort has resulted in frequent calls from banks to assure that they are not routing funds in violation of these prohibitions. United States exporters have also been notified of the sanctions through a variety of media, including via the Internet, Fax-on-Demand, special fliers, and computer bulletin board information initiated by OFAC and posted through the U.S. Department of Commerce and the U.S. Government Printing Office. There have been no license applications under the program since my last report.

3. The expenses incurred by the Federal Government in the 6-month period from March 26, 1997, through September 25, 1997, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to UNITA are approximately $50,000, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in

the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel) and the Department of State (particularly the Office of Southern African Affairs).

I will continue to report periodically to the Congress on significant developments, pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 24, 1997.*

MESSAGES FROM THE HOUSE

At 1:37 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2266) making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.

ENROLLED BILLS SIGNED

At 6:08 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 2209. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1998, and for other purposes.

H.R. 2248. An act to authorize the President to award a gold medal on behalf of the Congress to Ecumenical Patriarch Bartholomew in recognition of his outstanding and enduring contributions toward religious understanding and peace, and for other purposes.

H.R. 2443. An act to designate the Federal Building located at 601 Fourth Street, N.W., in the District of Columbia, as the ''Federal Bureau of Investigation, Washington Field Office Memorial Building,'' in honor of William H. Christian, Jr., Martha Dixon Martinez, Michael J. Miller, Anthony Palmisiano, and Edwin R. Woodriffe.

The enrolled bills were signed subsequently by the President pro tempore [Mr. THURMOND].

MEASURE PLACED ON THE CALENDAR

The following measure was discharged from committee and ordered placed on the calendar:

S. 25. A bill to reform the financing of Federal elections.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3040. A communication from the Acting Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, a rule entitled ''Migratory Bird Hunting'' (RIN1018-AE14) received on September 23, 1997; to the Committee on Environment and Public Works.

EC–3041. A communication from the General Counsel of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, three rules including a rule entitled ''Correction of Administrative Errors'' received on September 18, 1997; to the Committee on Governmental Affairs.

EC–3042. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, a report entitled ''Adherence to the Merit Principles in the Workplace: Federal Employees' Views''; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPECTER, from the Committee on Veterans' Affairs, without amendment:

S. Res. 126: An original resolution authorizing supplemental expenditures by the Committee on Veterans' Affairs (Rept. No. 105–87).

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1998'' (Rept. No. 105–88).

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 363: A bill to amend the Communications Act of 1934 to require that violent video programming is limited to broadcast after the hours when children are reasonably likely to comprise a substantial portion of the audience, unless it is specifically rated on the basis of its violent content so that it is blockable by electronic means specifically on the basis of that content (Rept. No. 105–89).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

The following United States Army Reserve officer for promotion in the Reserve of the Army to the grade indicated under title 10, United States Code, sections 14101, 14315 and 12203(a):

To be brigadier general

Col. James W. Comstock, 5456

The following-named officer for appointment in the Regular Army to the grade indicated under title 10, United States Code, section 624:

To be brigadier general

Col. Antonio M. Taguba, 8375

The following-named officers for appointment in the U.S. Army to the grade indicated under title 10, United States Code, section 624:

To be major general

Brig. Gen. John G. Meyer, Jr., 2481
Brig. Gen. Robert L. Nabors, 5042

The following-named officer for appointment in the U.S. Army to the grade indicated under the provisions of title 10, United States Code, section 624:

To be major general

Maj. Gen. Robert G. Claypool, 3837

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, United States Code, section 12203:

To be major general

Brig. Gen. Earl L. Adams, 7836
Brig. Gen. John E. Blair, 7500
Brig. Gen. James G. Blaney, 3984
Brig. Gen. Don C. Morrow, 3878
Brig. Gen. Thomas E. Whitecotton III, 8348
Brig. Gen. Jackie D. Wood, 3739

To be brigadier general

Col. Stephen E. Arey, 3536
Col. George A. Buskirk, Jr., 3156
Col. William A. Cugno, 3772
Col. Joseph A. Goode, Jr., 0823
Col. Stanley J. Gordon, 4035
Col. Larry W. Haltom, 3555
Col. Daniel E. Long, Jr., 1267
Col. Gerald P. Minetti, 5388
Col. Ronald G. Young, 6486

The following-named officer for appointment in the U.S. Army to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. George A. Fisher, 4034

The following-named officer for appointment in the U.S. Army to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. William J. Bolt, 0705

The following-named officer for appointment in the U.S. Army to the grade indicated under title 10, United States Code, section 624:

To be brigadier general

Col. Henry W. Stratman, 1226

The following-named officer for appointment in the U.S. Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Peter Pace, 7426

The following-named officer for appointment in the U.S. Navy to the grade indicated under title 10, United States Code, section 624:

To be rear admiral

Rear Adm. (1h) Louis M. Smith, 3412

The following-named officers for appointment in the Naval Reserve to the grade indicated under title 10, United States Code, section 12203:

To be rear admiral (lower half)

Capt. Kenneth C. Belisle, 8016
Capt. John G. Cotton, 6982
Capt. Stephen S. Israel, 3464
Capt. Gerald J. Scott, Jr., 4136
Capt. Joe S. Thompson, 2971

The following-named officers for appointment in the Reserve of the Navy to the grade indicated under title 10, United States Code, section 12203:

To be rear admiral (lower half)

Capt. Howard W. Dawson, Jr., 6320
Capt. William J. Lynch, 1963
Capt. Robert R. Percy III, 4869

The following-named officer for appointment as Deputy Judge Advocate General of the U.S. Navy to the grade indicated under title 10, United States Code, section 5149:

To be rear admiral

Capt. Donald J. Guter, 0275

The following-named officer for appointment in the U.S. Navy to the grade indicated under title 10, United States Code, section 624:

To be rear admiral (lower half)

Capt. William W. Cobb, Jr., 9725

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. THURMOND. Mr. President, for the Committee on Armed Services, I report favorably 36 nomination lists in the Air Force, Army, Marine Corps, and Navy which were printed in full in the CONGRESSIONAL RECORD of July 29, 31, September 3, and 15, 1997, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators:

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of July 29, 31, September 3, and 15, 1997, at the end of the Senate proceedings.)

**In the Marine Corps there is 1 appointment to the grade of lieutenant colonel (Franklin D. McKinney, Jr.) (Reference No. 479)

**In the Air Force there are 85 appointments to the grade of lieutenant colonel and below (list begins with Richard W. Aldrich) (Reference No. 480)

**In the Air Force there are 36 appointments to the grade of colonel and below (list begins with Luis C. Arroyo) (Reference No. 492)

**In the Air Force there are 4 appointments to the grade of lieutenant colonel and below (list begins with James M. Bartlett) (Reference No. 493)

**In the Army there is 1 appointment to the grade of colonel (Frank G. Whitehead) (Reference No. 494)

**In the Army Reserve there are 18 appointments to the grade of colonel (list begins with Mary A. Allred) (Reference No. 495)

**In the Army Reserve there are 11 appointments to the grade of colonel (list begins with Robert C. Baker) (Reference No. 496)

**In the Army there are 74 appointments to the grade of major (list begins with Edwin E. Ahl) (Reference No. 497)

**In the Army there are 155 appointments to the grade of lieutenant colonel (list begins with Christian F. Achleithner) (Reference No. 498)

**In the Air Force Reserve there is 1 appointment to the grade of colonel (Robert J. Spermo) (Reference No. 573)

**In the Air Force Reserve there are 4 appointments to the grade of colonel (list begins with Carl M. Gough) (Reference No. 574)

**In the Army Reserve there is 1 appointment to the grade of colonel (Shri Kant Mishra) (Reference No. 576)

**In the Army Reserve there is 1 appointment to the grade of colonel (David S. Feigin) (Reference No. 577)

**In the Army there is 1 appointment to the grade of major (Clyde A. Moore) (Reference No. 578)

**In the Army there are 3 appointments to the grade of colonel and below (list begins with Terry A. Wikstrom) (Reference No. 579)

**In the Army Reserve there is 1 appointment to the grade of colonel (James H. Wilson) (Reference No. 580)

**In the Army Reserve there are 10 appointments to the grade of colonel (list begins with Ellis E. Brambaugh, Jr.) (Reference No. 581)

**In the Army Reserve there are 19 appointments to the grade of colonel (list begins with Graten D. Beavers) (Reference No. 582)

**In the Marine Corps there is 1 appointment to the grade of colonel (William C. Johnson) (Reference No. 583)

**In the Marine Corps there is 1 appointment to the grade of major (Tony Weckerling) (Reference No. 584)

**In the Marine Corps there is 1 appointment to the grade of major (Jeffrey E. Lister) (Reference No. 585)

**In the Marine Corps there is 1 appointment to the grade of major (Harry Davis Jr.) (Reference No. 586)

**In the Marine Corps there is 1 appointment to the grade of major (Michael D. Dahl) (Reference No. 587)

**In the Marine Corps there is 1 appointment to the grade of major (James C. Clark) (Reference No. 588)

**In the Air Force there are 66 appointments to the grade of colonel and below (list begins with Joseph Argyle) (Reference No. 589)

**In the Army there are 187 appointments to the grade of colonel and below (list begins with James L. Atkins) (Reference No. 590)

**In the Army there are 1,125 appointments to the grade of lieutenant colonel (list begins with Frank J. Abbott) (Reference No. 591)

**In the Army there are 1,795 appointments to the grade of major (list begins with Madelfia A. Abb) (Reference No. 592)

**In the Naval Reserve there are 225 appointments to the grade of captain (list begins with Lawrence E. Adler) (Reference No. 593)

**In the Air Force there are 2,576 appointments to the grade of major (list begins with Arnold K. Abangan) (Reference No. 595)

**In the Army there is 1 appointment to the grade of lieutenant colonel (Rafael Lara, Jr.) (Reference No. 635)

**In the Army National Guard there are 15 appointments to the grade of colonel (list begins with Morris F. Adams, Jr.) (Reference No. 636)

**In the Marine Corps there is 1 appointment to the grade of major (John C. Kotruch) (Reference No. 637)

**In the Navy there are 13 appointments to the grade of captain (list begins with David M. Belt, Jr.) (Reference No. 638)

**In the Army there are 57 appointments to the grade of colonel (list begins with Cynthia A. Abbott) (Reference No. 639)

**In the Navy there are 872 appointments to the grade of commander (list begins with Eugene M. Abler) (Reference No. 640)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. FAIRCLOTH (for himself, Ms. MIKULSKI, Mr. SARBANES, Mr. WARNER, and Mr. ROBB):

S. 1219. A bill to require the establishment of a research and grant program for the eradication or control of Pfiesteria pisicicida and other aquatic toxins; to the Committee on Environment and Public Works.

By Mr. DODD (for himself, Mr. BINGAMAN, Mr. BUMPERS, and Mrs. MURRAY):

S. 1220. A bill to provide a process for declassifying on an expedited basis certain documents relating to human rights abuses in Guatemala and Honduras; to the Committee on Governmental Affairs.

By Mr. STEVENS (for himself, Mr. BREAUX, Mr. MURKOWSKI, and Mr. HOLLINGS):

S. 1221. A bill to amend title 46 of the United States Code to prevent foreign ownership and control of United States flag vessels employed in the fisheries in the navigable waters and exclusive economic zone of the United States, to prevent the issuance of fishery endorsements to certain vessels, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CHAFEE (for himself, Mr. BREAUX, Mr. LIEBERMAN, Mr. FAIRCLOTH, Mr. ROBB, Mr. SARBANES, Mr. D'AMATO, Mrs. MURRAY, Mr. MURKOWSKI, Mr. WARNER, Mr. REED, Ms. LANDRIEU, Mr. GRAHAM, Ms. MIKULSKI, Mr. DODD, Mr. MOYNIHAN, and Mr. MACK):

S. 1222. A bill to catalyze restoration of esturary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER:

S. Res. 126. An original resolution authorizing supplemental expenditures by the Committee on Veterans' Affairs; from the Committee on Veterans Affairs; placed on the calendar.

By Mr. FEINGOLD (for himself, Mr. ABRAHAM, Mr. HELMS, and Mr. WELLSTONE):

S. Res. 127. A resolution expresssing the sense of the Senate regarding the planned state visit to the United States by the President of the People's Republic of China; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FAIRCLOTH (for himself, Ms. MIKULSKI, Mr. SARBANES, Mr. WARNER, and Mr. ROBB):

S. 1219. A bill to require the establishment of a research and grant program for the eradication or control of Pfiesteria pisicicida and other aquatic toxins.

THE PFIESTERIA RESEARCH ACT OF 1997

Mr. FAIRCLOTH. Mr. President, I rise to talk about a bill I am introducing today, the Pfiesteria Research Act of 1997. I thank my colleagues who have joined me as original cosponsors of this bill: Senator BARBARA MIKULSKI, Senator PAUL SARBANES and Senator JOHN WARNER.

This bill is the first Federal legislative response to this mysterious microbe which has been linked to fish kills and also to human health problems all along the east coast, but particularly in the Chesapeake Bay area and along the coast of North Carolina.

Pfiesteria has become more than a problem affecting one State and, as such, a Federal, broader response is necessary. The No. 1 need is research into this mystery, what causes it, why it occurs, and how it can be stopped.

We need to involve the best research laboratories in the country, at Government agencies, at universities, and at State agencies, to study the problem and to find a solution.

Specifically, this bill does two things. First, it authorizes the EPA, the National Marine Fisheries Service,

the National Institute of Environmental Health Services, the Centers for Disease Control, and the Department of Agriculture to establish a research program for the eradication or control of Pfiesteria and other aquatic toxins.

Second, the bill directs these agencies to make grants to universities and other such entities in affected States for the eradication or control of Pfiesteria and other aquatic toxins.

Given the potentially serious health and environmental effects—and they have clearly been demonstrated by the number of people who have gotten sick in the Maryland-Virginia area because of it, and it has been deadly to hundreds of thousands of fish—significant Federal action needs to be taken to eradicate it and make sure this regional threat does not become a national threat.

I hope this bill will be passed in the very near future and funds will then be appropriated to fully fund it. I look forward to working with my colleagues on this matter, and I particularly thank my colleague from Maryland, BARBARA MIKULSKI, for her assistance with the bill.

I send the bill to the desk and ask for its appropriate referral.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1219

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pfiesteria Research Act of 1997''.

SEC. 2. PFIESTERIA AND OTHER AQUATIC TOXINS RESEARCH AND GRANT PROGRAM.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, the Secretary of Commerce (acting through the Director of the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration), the Secretary of Health and Human Services (acting through the Director of the National Institute of Environmental Health Sciences and the Director of the Centers for Disease Control and Prevention), and the Secretary of Agriculture shall—

(1) establish a research program for the eradication or control of Pfiesteria piscicida and other aquatic toxins; and

(2) make grants to colleges, universities, and other entities in affected States for the eradication or control of Pfiesteria piscicida and other aquatic toxins.

(b) GRANTS.—In carrying out subsection (a)(2), the heads of the agencies referred to in subsection (a) shall make grants to—

(1) North Carolina State University in Raleigh, North Carolina, for the establishment of an Applied Aquatic Ecology Center and for research conducted by the Center relating to aquatic toxins;

(2) the University System of Maryland and the Agricultural Research Center in Beltsville, Maryland, for the establishment of a cooperative Agro-Ecosystem Center for research and demonstration projects related to aquatic toxins, such as Pfiesteria piscicida, including projects that relate to dietary, waste management, and other alternative-use related strategies that reduce the undesirable nutrient and other chemical content from waste into waterways; and

(3) the Virginia Institute of Marine Science of the College of William and Mary in Gloucester Point, Virginia, for the establishment of a Marine Pathology and Applied Ecology Center and for research conducted by the Center relating to the effect of algal toxins on marine fish and shellfish and to understanding human influences on estuarine planktonic communities with an emphasis on harmful algal species, except that a portion of the grants made under this paragraph shall be allocated to Old Dominion University in Norfolk, Virginia, for research support.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out this section, of which not less than—

(1) $1,883,619 for fiscal year 1998, and $655,890 for fiscal year 1999, shall be used to carry out subsection (b)(1);

(2) $1,000,000 for each of fiscal years 1998 and 1999 shall be used to carry out subsection (b)(2); and

(3) $1,750,000 for fiscal year 1998, and $545,000 for fiscal year 1999, shall be used to carry out subsection (b)(3).

Mr. SARBANES. Mr. President, today I am delighted to join my colleagues Senator FAIRCLOTH, Senator MIKULSKI and Senator WARNER as a principal cosponsor of this proposal providing additional Federal assistance to efforts combating Pfiesteria outbreaks in the Chesapeake Bay and other Atlantic coast waterways.

The micro-organism Pfiesteria piscicida, linked to fish kills and human health problems this summer in the Pocomoke River on Maryland's Eastern Shore, is a matter about which we are all deeply concerned. The Governor has recently closed down two Eastern Shore waterways in Maryland, and fish with lesions characteristic of Pfiesteria have also been discovered in Delaware, Virginia, and other Atlantic coast waterways.

Since the Pfiesteria outbreaks began, we, in Congress, have worked individually and collectively on a variety of initiatives to assist the States in battling this toxic micro-organism. The Federal agency response team, led by the U.S. Environmental Protection Agency and the National Oceanic and Atmospheric Administration, is providing valuable funding and technical assistance to the States.

The Federal assistance thus far includes habitat and water quality monitoring and fish lesion assessment. At my and Senator MIKULSKI's request, the Centers for Disease Control and Prevention and the National Institute of Environment Health Sciences are providing scientific teams and technical assistance for human health risk-assessment efforts. In Maryland, the Cooperative Laboratory at Oxford is playing an especially key role by coordinating ongoing fisheries-related investigations.

The Pfiesteria Research Act of 1997 would add a critical dimension to the Federal response, one that would assist farmers with agricultural-related research and demonstrations related to outbreaks of Pfiesteria and other aquatic toxins. This measure would provide this assistance by establishing a cooperative Agro-Ecosystem Center between the University System of Maryland and the Beltsville Agricultural Research Center, and authorizing not less than $2 million in grants to the center. The University System of Maryland and the Beltsville Center are world leaders in conducting agricultural research and demonstration projects. I am confident that both have the substantial scientific and technical expertise necessary to lead the dietary, waste management, and other nutrient-reduction efforts authorized in this measure to combat Pfiesteria.

Mr. President, the Federal Government has worked closely with affected States as they respond to Pfiesteria outbreaks. I urge my colleagues to support this measure and to provide much-needed assistance to farmers to battle Pfiesteria in the Chesapeake Bay and along other Atlantic coast waterways.

By Mr. DODD (for himself, Mr. BINGAMAN, Mr. BUMPERS, and Mrs. MURRAY):

S. 1220. A bill to provide a process for declassifying on an expedited basis certain documents relating to human rights abuses in Guatemala and Honduras; to the Committee on Governmental Affairs.

THE HUMAN RIGHTS INFORMATION ACT

Mr. DODD. Mr. President, today, I am introducing the Human Rights Information Act—legislation designed to facilitate the declassification of certain United States documents that relate to past human rights abuses in Guatemala and and Honduras. This act would ensure the prompt declassification of information by all relevant U.S. Government agencies concerning human rights abuses, while providing adequate protection to safeguard U.S. national security interests. Timely declassification of relevant materials would be of enormous assistance to the Guatemalan and Honduran people who are at this moment confronting past human rights violations as part of ongoing efforts to strengthen democratic institutions in those countries, particularly their judiciaries.

This bill would ensure prompt and complete declassification within the necessary bounds of protection of national security. It would require Government agencies to review for declassification within 120 days all human rights records relevant to inquiries by the Honduran human rights commissioner and the Guatemalan Clarification Commission. An interagency appeals panel would review agencies decisions to withhold information. The bill follows declassification standards already enacted by Congress in the JFK Assassination Records Act but is much simpler and less expensive than that law.

Honduran Human Rights Commissioner Leo Valladares has already made a request of the United States

Government for any relevant documents concerning Honduran human rights violations and particularly those alleged to have been perpetrated by Honduran military Battalion 3–16 that resulted in more than 184 killings or disappearances in the early 1980's.

The Guatemalan Clarification Commission, which was set up by the December 1996 peace accords to establish a historical record of the massive human rights violations that occurred during more than three decades of civil war, is expected shortly to make a similar request for relevant United States documents concerning this period. The U.S. Government is, properly, offering financial assistance to the clarification commission. The United States should also support the commission's important work to end impunity by providing relevant declassified documents.

While it is true that the Clinton administration has already declassified some documents related to Honduras and Guatemala, by Executive order, such declassifications have been very narrowly focused. And, despite a number of letters from Congress requesting prompt action, the administration's response to the longstanding request by Honduran Human Rights Commissioner Valladares, which was first submitted in 1993, has been slow and partial.

Moreover, although the administration officially agreed to honor the Honduran request, many of the documents released to date have been heavily excised, yielding little substantive information. The State Department has turned over 3,000 pages, but other agencies have been much less forthcoming. For example, the CIA has released 36 documents concerning Father Carney, a United States priest killed in Honduras, and 97 documents pertaining to 5 other key human rights cases. Most are heavily excised. The Department of Defense has released 34 heavily excised documents, but almost nothing that relates to the activities of Battalion 3–16.

The administration has also declassified numerous documents on Guatemala in response to public demands. These focus, however, on approximately 30 cases of human rights abuses directed against Americans in Guatemala. The cases of Guatemalan anthropologist Myrna Mack and guerrilla leader Efrain Bamaca, husband of American lawyer Jennifer Harbury, were exceptions. In May of this year, the CIA also released an important batch of documents concerning its 1954 covert operation in Guatemala. However, thousands of documents on human rights violations that could be of interest to the clarification commission remain classified. Many of the documents already declassified were heavily excised, and, as in the Honduran case, the intelligence and defense agencies were less forthcoming than the State Department.

Mr. President, I would hope that my colleagues can join me in voting for the Human Rights Information Act. This will send a very powerful signal of support for efforts to strengthen democracy and the rule of law throughout the hemisphere. It will also greatly assist Latin Americans who are currently bravely working to shed light upon a dark period of their recent pasts so that they can prevent such heinous abuses from occurring in the future.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1220

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Human Rights Information Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Agencies of the Government of the United States have information on human rights violations in Guatemala and Honduras.

(2) Members of both Houses of Congress have repeatedly asked the Administration for information on Guatemalan and Honduran human rights cases.

(3) The Guatemalan peace accords, which the Government of the United States firmly supports, has as an important and vital component the establishment of the Commission for the Historical Clarification of Human Rights Violations and Acts of Violence which have Caused Suffering to the Guatemalan People (referred to in this Act as the ''Clarification Commission''). The Clarification Commission will investigate cases of human rights violations and abuses by both parties to the civil conflict in Guatemala and will need all available information to fulfill its mandate.

(4) The National Commissioner for the Protection of Human Rights in the Republic of Honduras has been requesting United States Government documentation on human rights violations in Honduras since November 15, 1993. The Commissioner's request has been partly fulfilled, but is still pending. The request has been supported by national and international human rights nongovernmental organizations as well as members of both Houses of Congress.

(5) Victims and survivors of human rights violations, including United States citizens and their relatives, have also been requesting the information referred to in paragraphs (3) and (4). Survivors and the relatives of victims have a right to know what happened. The requests have been supported by national and international human rights nongovernmental organizations as well as members of both Houses of Congress.

(6) The United States should make the information it has on human rights abuses available to the public as part of the United States commitment to democracy in Central America.

SEC. 3. DEFINITIONS.

In this Act:

(1) HUMAN RIGHTS RECORD.—The term ''human rights record'' means a record in the possession, custody, or control of the United States Government containing information about gross human rights violations committed after 1944.

(2) AGENCY.—The term ''agency'' means any agency of the United States Government charged with the conduct of foreign policy or foreign intelligence, including the Department of State, the Agency for International Development, the Department of Defense (and all of its components), the Central Intelligence Agency, the National Reconnaissance Office, the Department of Justice (and all of its components), the National Security Council, and the Executive Office of the President.

SEC. 4. IDENTIFICATION, REVIEW, AND PUBLIC DISCLOSURE OF HUMAN RIGHTS RECORDS REGARDING GUATEMALA AND HONDURAS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the provision of this Act shall govern the declassification and public disclosure of human rights records by agencies.

(b) IDENTIFICATION OF RECORDS.—Not later than 120 days after the date of enactment of this Act, each agency shall identify, review, and organize all human rights records regarding activities occurring in Guatemala and Honduras after 1944 for the purpose of declassifying and disclosing the records to the public. Except as provided in section 5, all records described in the preceding sentence shall be made available to the public not later than 30 days after a review under this section is completed.

(c) REPORT TO CONGRESS.—Not later than 150 days after the date of enactment of this Act, the President shall report to Congress regarding each agency's compliance with the provisions of this Act.

SEC. 5. GROUNDS FOR POSTPONEMENT OF PUBLIC DISCLOSURE OF RECORDS.

(a) IN GENERAL.—An agency may postpone public disclosure of a human rights record or particular information in a human rights record only if the agency determines that there is clear and convincing evidence that—

(1) the threat to the military defense, intelligence operations, or conduct of foreign relations of the United States raised by public disclosure of the human rights record is of such gravity that it outweighs the public interest, and such public disclosure would reveal—

(A) an intelligence agent whose identity currently requires protection;

(B) an intelligence source or method—

(i) which is being utilized, or reasonably expected to be utilized, by the United States Government;

(ii) which has not been officially disclosed; and

(iii) the disclosure of which would interfere with the conduct of intelligence activities; or

(C) any other matter currently relating to the military defense, intelligence operations, or conduct of foreign relations of the United States, the disclosure of which would demonstrably impair the national security of the United States;

(2) the public disclosure of the human rights record would reveal the name or identity of a living individual who provided confidential information to the United States and would pose a substantial risk of harm to that individual;

(3) the public disclosure of the human rights record could reasonably be expected to constitute an unwarranted invasion of personal privacy, and that invasion of privacy is so substantial that it outweighs the public interest; or

(4) the public disclosure of the human rights record would compromise the existence of an understanding of confidentiality currently requiring protection between a Government agent and a cooperating individual or a foreign government, and public disclosure would be so harmful that it outweighs the public interest.

(b) SPECIAL TREATMENT OF CERTAIN INFORMATION.—It shall not be grounds for postponement of disclosure of a human rights record that an individual named in the

human rights record was an intelligence asset of the United States Government, although the existence of such relationship may be withheld if the criteria set forth in subsection (a) are met. For purposes of the preceding sentence, the term an ''intelligence asset'' means a covert agent as defined in section 606(4) of the National Security Act of 1947 (50 U.S.C. 426(4)).

SEC. 6. REQUEST FOR HUMAN RIGHTS RECORDS FROM OFFICIAL ENTITIES IN OTHER LATIN AMERICAN CARIBBEAN COUNTRIES.

In the event that an agency of the United States receives a request for human rights records from an entity created by the United Nations or the Organization of American States similar to the Guatemalan Clarification Commission, or from the principal justice or human rights official of a Latin American or Caribbean country who is investigating a pattern of gross human rights violations, the agency shall conduct a review of records as described in section 4 and shall declassify and publicly disclose such records in accordance with the standards and procedures set forth in this Act.

SEC. 7. REVIEW OF DECISIONS TO WITHHOLD RECORDS.

(a) DUTIES OF THE APPEALS PANEL.—The Interagency Security Classification Appeals Panel (referred to in this Act as the ''Appeals Panel''), established under Executive Order No. 12958, shall review determinations by an agency to postpone public disclosure of any human rights record.

(b) DETERMINATIONS OF THE APPEALS PANEL.—

(1) IN GENERAL.—The Appeals Panel shall direct that all human rights records be disclosed to the public, unless the Appeals Panel determines that there is clear and convincing evidence that—

(A) the record is not a human rights record; or

(B) the human rights record or particular information in the human rights record qualifies for postponement of disclosure pursuant to section 5.

(2) TREATMENT IN CASES OF NONDISCLOSURE.—If the Appeals Panel concurs with an agency decision to postpone disclosure of a human rights record, the Appeals Panel shall determine, in consultation with the originating agency and consistent with the standards set forth in this Act, which, if any, of the alternative forms of disclosure described in paragraph (3) shall be made by the agency.

(3) ALTERNATIVE FORMS OF DISCLOSURE.—The forms of disclosure described in this paragraph are as follows:

(A) Disclosure of any reasonably segregable portion of the human rights record after deletion of the portions described in paragraph (1).

(B) Disclosure of a record that is a substitute for information which is not disclosed.

(C) Disclosure of a summary of the information contained in the human rights record.

(4) NOTIFICATION OF DETERMINATION.—

(A) IN GENERAL.—Upon completion of its review, the Appeals Panel shall notify the head of the agency in control or possession of the human rights record that was the subject of the review of its determination and shall, not later than 14 days after the determination, publish the determination in the Federal Register.

(B) NOTICE TO PRESIDENT.—The Appeals Panel shall notify the President of its determination. The notice shall contain a written unclassified justification for its determination, including an explanation of the application of the standards contained in section 5.

(5) GENERAL PROCEDURES.—The Appeals Panel shall publish in the Federal Register guidelines regarding its policy and procedures for adjudicating appeals.

(c) PRESIDENTIAL AUTHORITY OVER APPEALS PANEL DETERMINATION.—

(1) PUBLIC DISCLOSURE OR POSTPONEMENT OF DISCLOSURE.—The President shall have the sole and nondelegable authority to review any determination of the Appeals Board under this Act, and such review shall be based on the standards set forth in section 5. Not later than 30 days after the Appeals Panel's determination and notification to the agency pursuant to subsection (b)(4), the President shall provide the Appeals Panel with an unclassified written certification specifying the President's decision and stating the reasons for the decision, including in the case of a determination to postpone disclosure, the standards set forth in section 5 which are the basis for the President's determination.

(2) RECORD OF PRESIDENTIAL POSTPONEMENT.—The Appeals Panel shall, upon receipt of the President's determination, publish in the Federal Register a copy of any unclassified written certification, statement, and other materials transmitted by or on behalf of the President with regard to the postponement of disclosure of a human rights record.

SEC. 8. REPORT REGARDING OTHER HUMAN RIGHTS RECORDS.

Upon completion of the review and disclosure of the human rights records relating to Guatemala and Honduras, the Information Security Policy Advisory Council, established pursuant to Executive Order No. 12958, shall report to Congress on the desirability and feasibility of declassification of human rights records relating to other countries in Latin America and the Caribbean. The report shall be available to the public.

SEC. 9. RULES OF CONSTRUCTION.

(a) FREEDOM OF INFORMATION ACT.—Nothing in this Act shall be construed to limit any right to file a request with any executive agency or seek judicial review of a decision pursuant to section 552 of title 5, United States Code.

(b) JUDICIAL REVIEW.—Nothing in this Act shall be construed to preclude judicial review, under chapter 7 of title 5, United States Code, of final actions taken or required to be taken under this Act.

SEC. 10. CREATION OF POSITIONS.

For purposes of carrying out the provisions of this Act, there shall be 2 additional positions in the Appeals Panel. The positions shall be filled by the President, based on the recommendations of the American Historical Association, the Latin American Studies Association, Human Rights Watch, and Amnesty International, USA.

By Mr. STEVENS (for himself, Mr. BREAUX, Mr. MURKOWSKI, and Mr. HOLLINGS):

S. 1221. A bill to amend title 46 of the United States Code to prevent foreign ownership and control of United States flag vessels employed in the fisheries in the navigable waters and exclusive economic zone of the United States, to prevent the issuance of fishery endorsements to certain vessels, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE AMERICAN FISHERIES ACT

Mr. STEVENS. Mr. President, I am going to send to the desk a bill that is called the American Fisheries Act to raise the U.S. ownership standard for U.S.-flag fishing vessels operating in U.S. waters, to eliminate the exemptions and loopholes interpreted into the existing ownership and control standard, and to phase out large fishing vessels that are destructive to U.S. fishery resources because of their size and power.

As I said, this bill is called the American Fisheries Act.

Let me point out, these factory trawlers we are talking about make trucks look like tiny bugs. They certainly waste a tremendous amount of fish. According to the Alaska Department of Fish and Game statistics for 1995—that is the most recent year for which we have statistics—the 55 factory trawlers in the Bering Sea off my State threw overboard 483 million pounds of groundfish, wasted and unused.

That is more fish than the targeted fisheries of New England lobster, Atlantic mackerel, Gulf of Mexico shrimp, and Pacific Northwest salmon combined. It is the most horrendous waste of fishery resources in the history of man. And this bill is designed to stop that.

Mr. President, as I said, the bill I am introducing today would:

First, raise U.S. ownership standard for U.S.-flag fishing vessels operating in U.S. waters; second, eliminate the exemptions and loopholes interpreted into the existing ownership and control standard; and third, phase out large fishing vessels that are destructive to U.S. fishery resources because of their size and power.

The bill is called the American Fisheries Act. Senators KERRY, MURKOWSKI, BREAUX, and HOLLINGS join me as original cosponsors.

Last year, we enacted major revisions to the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of the fishery resources. The other primary goal of the original Fishery Conservation and Management Act in 1975 was to Americanize the fisheries. We tried to complete that process through the Commercial Fishing Industry Anti-Reflagging Act—Public Law 100–239—in 1987. Due to exemptions in the act and to misinterpretations by the Coast Guard, this act has not been effective.

The bill we introduce today would correct the basic controlling interest and foreign rebuilding requirements for U.S.-flag vessels that participate in our fisheries.

CLOSING THE LOOPHOLES

The bill would require at least 75 percent of the controlling interest of all vessels that fly the U.S. flag and engage in the fisheries in the navigable waters and exclusive economic zone to be owned by citizens of the United States.

The Commercial Fishing Industry Anti-Reflagging Act—Public Law 100–239—imposed a 50 percent controlling interest standard, which has become meaningless because of exceptions in the bill and misinterpretations by the Coast Guard. The Coast Guard's misinterpretation of one provision of that

act allowed at least 14 massive factory trawlers to enter the fisheries off Alaska.

As many here know, the House of Representatives recently passed a bill to keep one factory trawler out of the Atlantic herring and mackerel fisheries. Similar bills have been introduced in the Senate.

In Alaska, we got stuck with at least 14 factory trawlers that should never have been allowed into our fisheries. Talk about loopholes you can drive a truck through—these factory trawlers make trucks look like tiny little bugs. And they waste fish.

According to Alaska Department of Fish and Game statistics for 1995, the most recent year for which data is available, the 55 factory trawlers in the Bering Sea threw overboard 483 million pounds of groundfish wasted, and unused. That is more fish than the target fisheries for New England lobster, Atlantic mackerel, Gulf of Mexico shrimp, and Pacific Northwest salmon combined.

The bill we introduce today draws heavily from the controlling interest standard in the Jones Act for vessels operating in the coastwide trade. Under our bill, vessel owners would have 18 months from the date of enactment to comply with the new 75 percent controlling interest standard.

For vessels above 100 gross registered tons—which are more likely to have multiple owners or layers of ownership—the bill would require the Maritime Administration to closely scrutinize who actually controls the vessel before the vessel receives or can renew a fishery endorsement.

The Maritime Administration already reviews the controlling interest of entities applying for title XI loan guarantees and maritime security program payments. MarAd has the best expertise among Federal agencies to do the thorough job we intend.

The Secretary of Transportation would be required to revoke the fishery endorsement of any vessel above 100 gross tons that MarAd determines does not meet the new standard for controlling interest.

The bill gives the Secretary of Transportation flexibility in establishing the requirements for the owners of vessels equal to or less than 100 gross registered tons to show compliance with the new standard. Vessels of this size generally do not exceed 75 feet in length, are usually owner-operated, and are less likely to have multiple layers of ownership that must be scrutinized.

If the Secretary decides that compliance with the new 75 percent standard can be demonstrated by vessels 100 tons or less using the existing process through the Coast Guard, the Secretary could continue to use this process for those vessels.

As the findings point out, international law—including Article 62 of the U.N. Convention on the Law of the Sea—gives coastal nations the clear sovereign right to harvest and process the entire allowable catch of fishery resources in their exclusive economic zone [EEZ] if their citizens have the harvesting capacity to do so. International law requires that other nations be given access if the coastal nation cannot harvest and process the entire allowable catch in its EEZ.

In the United States, we have established a framework that fulfills these two basic principles. Through the Magnuson-Stevens Act, we gave U.S. fishermen first priority in the harvesting and processing of our fishery resources. Foreign fishing is allowed under that act, however, if U.S. vessels cannot harvest the entire allowable catch.

For obvious reasons, the priority works only if U.S.-owned vessels can be distinguished from foreign-owned vessels in the fisheries. I am sad to report that our current law—the way it has been misinterpreted—fails to allow for this differentiation. In the Nation's largest fishery by volume (Bering Sea pollock) Norwegian and Japanese companies control the vessels that take over half the allowable catch.

There is not enough fish to support the existing harvesting capacity in this and other fisheries, yet the line to differentiate true U.S.-controlled vessels from foreign-controlled vessels is not adequate to protect the first priority for U.S. citizens. The American Fisheries Act will clear up this blurred line and give U.S. fishermen the top priority to harvest fishery resources, consistent with the historical intent of our laws.

PHASE OUT OF LARGE VESSELS

When the Senate passed my bill last year to strengthen the conservation measures of the Magnuson-Stevens Act, I said on the Senate floor that I would seek a ban on factory trawlers if those measures did not work. It is too early to tell whether those measures will be sufficient.

We propose today a phase out—not a ban—of factory trawlers and other fishing vessels that are longer than 165 feet, greater than 750 tons, or that have greater than 3,000 shaft horsepower.

By fishing vessel, we mean factory trawlers and other vessels that harvest fish. Existing fishing vessels above these thresholds are grandfathered—and can stay in the fisheries for their useful lives, provided the 75 percent controlling interest standard is met, and the vessel does not surrender its fishery endorsement at any time.

Gradually, the useful lives of these large fishing vessels will end, however, and a smaller fleet—more able to avoid bycatch and waste and more likely to be owner-operated—will replace them.

I reserve the option to accelerate this process through an immediate ban on factory trawlers if the management and conservation measures enacted last year in the Sustainable Fisheries Act are not effective.

The phase out of large fishing vessels does not apply to vessels that fish exclusively for highly migratory fish species primarily outside U.S. navigable waters and the exclusive economic zone.

Earlier this year—we enacted comprehensive legislation to achieve conservation under the International Dolphin Conservation Program—in part with the hope that some of the eastern tropical tuna fishing vessels would reflag to the Unites States.

These vessels are subject to stringent international conservation measures, and are able to harvest tuna in a way safer for the overall ecosystem than smaller vessels. These vessels were dealt with differently under the Anti-Reflagging Act as well.

FOREIGN REBUILDS

The bill specifically addresses the foreign rebuilding provision of the Anti-Reflagging Act that was misinterpreted by the Coast Guard and abused by speculators who did exactly what Congress tried to avoid with this act. This misinterpretation and abuse resulted in at least 14 factory trawlers entering the fisheries off Alaska that should have been prohibited by the Anti-Reflagging Act.

Section 4(a)(4)(A) of the Act was meant to protect a specific group of owners who relied on pre-existing law in planning to convert U.S.-built fishing vessels abroad for use in the U.S. fisheries.

This provision was not intended to protect speculators who entered contingent contracts to purchase vessels with the intent to profit by the coming change in the law. To avoid this, Congress specifically required under section 4(a)(4)(A) and section 4(b) that the owner had to:

First, have purchased or contracted to purchase a vessel by July 28, 1997; second, have demonstrated his/her/its specific intent to enter the U.S. fisheries through the purchase of the contract itself or a Coast Guard letter ruling; and third, have accepted delivery of the vessel by July 28, 1990 and entered it into service.

Under the Act, all three conditions had to be met by the same owner before a fishery license could be issued to the vessel.

The Coast Guard erroneously allowed the vessel to be redelivered to any owner by July 28, 1990, and created freely transferable and valuable rights to enter the fishery that Congress specifically intended to avoid.

The American Fisheries Act would correct this problem by putting the burden on those who benefited from the loophole to help with the reduction in the overcapacity that resulted. Specifically, from the date of the introduction of this act—September 25, 1997—if the controlling interest a vessel that used this loophole materially changes, another active vessel of equal or greater length, tonnage, and horsepower in the same region will have to permanently surrender its fishery endorsement.

The capacity in the Bering Sea would be reduced on the backs of those who caused the problem and who argued for

and benefited from an interpretation clearly contrary to congressional intent.

FEDERAL LOAN GUARANTEES

The bill would permanently prohibit Federal loan guarantees for any vessel that is intended for use as a fishing vessel, and that will be greater than 165 registered feet, 750 gross registered tons, or 3,000 shaft horsepower when the construction or rebuilding is completed.

We mean to prevent the Federal Government from subsidizing or assisting in any way in the: No. 1, construction of vessels above these thresholds; No. 2 extension of the useful life of vessels above these thresholds; or No. 3 expansion of vessels so that they exceed these thresholds—where the vessel will be used as a fishing vessel.

For the purposes of this measure, fishing vessel has the same definition as under section 2101 of title 46, United States Code, meaning a vessel that engages in the catching, taking, or harvesting of fish or any activity that can reasonably be expected to result in the catching, taking, or harvesting of fish. This obviously includes factory trawlers and other fishing vessels above the thresholds listed above.

SUMMARY

With the American Fisheries Act, we will clean up the mess caused by the exceptions and misinterpretation of the Anti-Reflagging Act. We will also serve notice that entities that do not meet the 75 controlling interest standard will not likely receive individual fishing quota's [IFQ's] or other limited access permits under the Magnuson-Stevens Act.

The Sustainable Fisheries Act—Public Law 104–297—requires the National Academy of Sciences to study how to prohibit entities that don't meet the standard from owning IFQ's. We will analyze the Academy's report during the reauthorization of the Magnuson-Stevens Act in 1999. I do not want any foreign-controlled entities to be surprised when that process begins.

Non-U.S. citizens simply should not be given what, for all practical purposes, are permanent access privileges to U.S. marine resource when there are U.S. citizens that can harvest these fish. The Magnuson-Stevens Act allows these foreign-controlled entities to harvest the portion of the allowable catch that U.S. citizens cannot.

In Alaska, some of the foreign participants are doing what they can to patch up their relationship with Alaska and Alaskans—but I question their long-term commitment.

The North Pacific Council is reviewing the inshore/offshore pollock allocation right now—which will substantially impact them. They have been good partners this year in anticipation of this council debate—but where were they last year? They were here in Washington, DC, lobbying against our bill to protect fishing communities, reduce bycatch, and prevent foreign entities from receiving a windfall giveaway through IFQ's.

If Congress or the North Pacific Council gives away permanent access to our fisheries, I believe these entities will go back to their tactics of the last 10 years.

Flannery O'Connor explained this well in her short story ''A Good Man Is Hard to Find.'' In that story, the ''Misfit'' says of another character that ''She would of been a good woman, if [there] had been somebody there to shoot her every minute of her life.''

The foreign-controlled factory trawlers have the inshore/offshore gun to their head right now, and are being good. But their track record without this gun has been poor, both with respect to the conservation and to protecting fishing communities.

In the Bering Sea pollock, specifically, I am concerned that a single Norwegian entity controls an excessive share of the harvest in violation of National Standard Four of the Magnuson-Stevens Act. I am also concerned about the expansion of the ownership of catcher vessels and factory trawlers by Japanese entities.

Will we have the strength in the Congress or at the council level to prevent a giveaway of IFQ's to foreign-controlled entities in 2000 or beyond if they are the only ones left in the fishery?

The time has come to put Americanization back on the track as we first envisioned when we extended U.S. jurisdiction over the fisheries out to 200 miles.

Mr. MURKOWSKI. Mr. President, I am very pleased to join Senator STEVENS in sponsoring this important legislation.

This is a necessary follow-on to legislation I first introduced in 1986, the Commercial Fishing Vessel Anti-Reflagging Act, which was enacted in 1987. That act attempted to control an anticipated influx of foreign-owned fishing vessels by prohibiting them from reflagging as U.S. vessels except in certain circumstances. At the time, I backed a move to impose, for the first time, an American ownership provision that would ensure U.S. control of corporations owning such vessels.

Had that legislation been implemented the way it was intended, today's bill would probably not be necessary. Our intention was to gradually eliminate foreign control by requiring new owners to be U.S.-controlled. Unfortunately, in making a decision on implementation, the Coast Guard decided to rely primarily on its past practice, and permitted all vessels with U.S. documentation to continue fishing regardless of existing or new ownership.

That, as much as any one factor, led to today's crisis, in which there are far too many large vessels operating. Something has to give, and the laws of nature and economics say that it has to be one of two things: either the resource itself or the number of vessels.

This bill will help insure that the resource will be held harmless; if change occurs, it will come to the number of large vessels allowed to operate in U.S. fisheries.

The bill we are introducing today will increase the American ownership requirement for vessels to 75 percent from the 51-percent level required by current law. This new level is consistent with other laws affecting ownership of vessels involved in the coastwise trade, which are also required to meet the 75-percent test.

It will also correct the mistake made by the Coast Guard a decade ago by requiring fishery endorsements to be removed from vessels which do not qualify for the ownership criterion within a reasonable period of time—18 months under this bill.

Under this bill, the Coast Guard will no longer be responsible for reviewing the ownership of fishing vessels. This authority will rest more appropriately with the Maritime Administration, which currently has the same responsibility for vessels seeking title XI loan guarantees and Maritime Security Program assistance, among other things.

The bill will also begin the process of restoring the number of large fishing vessels operating off our shores to a reasonable and manageable level, by eliminating the entry of new vessels, regardless of ownership, and by allowing attrition to take its toll on the existing fleet. Large vessels are those over 165 registered feet in length, greater than 750 gross registered tons, or with engines totaling more than 3,000 horsepower. The bill also eliminates Federal loan guarantees that have been used to subsidize and accelerate the unrestrained growth of this fleet.

Further, currently operating vessels which were rebuilt for fishing in foreign shipyards using the loophole created by the Coast Guard's interpretation of the earlier act, and which are sold to new owners in the future, will not be eligible to fish under the new owners unless a similarly sized vessel is also removed from the fishery.

Taken together, these provisions will help to move us away from a fleet that is only nominally U.S.-controlled to one which is truly U.S.-controlled.

Moreover, in reducing the total number of these large vessels over time, this measure will also provide tremendous benefits to the many small communities which depend not on these large vessels, but on the far greater numbers of small fishing vessels and shore-based processing plants that hire locally, deliver locally, process locally, and support their communities through local taxes.

Mr. President, I enthusiastically support this legislation, and urge my colleagues to do the same.

By Mr. CHAFEE (for himself, Mr. BREAUX, Mr. LIEBERMAN, Mr. FAIRCLOTH, Mr. ROBB, Mr. SARBANES, Mr. D'AMATO, Mrs. MURRAY, Mr. MURKOWSKI, Mr. WARNER, Mr. REED, Ms. LANDRIEU,

Mr. GRAHAM, Ms. MIKULSKI, Mr. DODD, Mr. MOYNIHAN, and Mr. MACK):

S. 1222. A bill to catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes; to the Committee on Environment and Public Works.

THE ESTUARY HABITAT RESTORATION PARTNERSHIP ACT OF 1997

Mr. CHAFEE. Mr. President, I rise today with Senator BREAUX and Senators LIEBERMAN, FAIRCLOTH, ROBB, SARBANES, MURRAY, D'AMATO, MURKOWSKI, WARNER, REED, LANDRIEU, GRAHAM, MIKULSKI, DODD, MOYNIHAN, and MACK to introduce the Estuary Habitat Restoration Partnership Act of 1997. Estuaries, those bays, gulfs, sounds, and inlets where fresh water meets and mixes with salt water from the ocean, provide some of the most ecologically and economically productive habitat in the world. They benefit our economy, they benefit our health, in short, they are good for the soul.

More than 75 percent of the commercial fish and shellfish harvested in the United States depend on estuaries at some stage in their lifecycle. Estuaries are also home to a large percentage of the Nation's endangered and threatened species and half of its neotropical migratory birds. Moreover, the livelihood of 28 million Americans depends on estuaries and coastal regions.

Regrettably, estuaries are in danger. Within the last 30 years, coastal regions have become home to more than half of the Nation's population. This population explosion has taken its toll. Fish catches are at their lowest, shellfish beds have been closed, and the economic livelihood and quality of life of our coastal communities is threatened.

The increase in nonpoint source pollution, such as agricultural runoff, also has made its mark. And in the Chesapeake Bay, the recent pfiesteria outbreak that has killed hundreds of fish and even harmed human health is an unfortunate example of what can happen when the balance between harmful nutrients that pollute the waters take over.

The habitats estuaries provide for an extraordinary diversity of fish and wildlife are shrinking fast, jeopardizing jobs in fishing and tourism. The many values that estuaries bring to our lives could one day be gone.

The future of estuary habitat need not be a gloomy one. Estuaries can be restored. A variety of efforts, ranging from school classrooms planting eel grass in a coastal inlet to the restoration of freshwater flows into an entire bay area, have brought estuaries back to life. The demands on Federal funding for estuary restoration activities exceed available resources. We therefore must make the most of limited public resources by enlisting the support of our States, communities, and the private sector.

The Estuary Habitat Restoration Partnership Act of 1997 will help rebuild these national treasures by focusing these limited resources on the restoration of vital estuary habitat. This bill is unique, in that it builds a renewed commitment to community-driven restoration. It is not a regulatory measure. Rather than provide mandates, it provides incentives and gives concerned citizens more of an opportunity to get involved in the effort.

Also, it is flexible. Every community's approach to restoring estuaries will vary depending upon the unique needs of the particular area. What works well in Rhode Island's waters may not work in a more temperate areas like coastal California and Louisiana.

The bill also creates strong and lasting partnerships between the public and private sectors, and among all levels of government. It brings together existing Federal, State, and local restoration plans, programs, and studies. To ensure that restoration efforts build on past successes and current scientific understanding, the bill encourages the development of monitoring and maintenance capabilities.

Above all, this bill will benefit the environment, the economy, and the quality of life of the Nation. Estuaries are ecologically unique. The complex variety of habitats—river deltas, sea grass meadows, forested wetlands, shellfish beds, marshes, and beaches—supports a fluorishing range of wildlife and plants. Because fish and birds migrate, the health of these habitats is intertwined with the health of other ecosystems thousands of miles away. Estuaries also are perhaps the most prolific places on Earth.

Economically, this bill will benefit those Americans whose livelihoods depend on coastal areas. The commercial fishing industry, which depends heavily on these areas, contributes $111 billion per year to the national economy. Tourism and recreation also stand to benefit.

Finally, estuaries are essential to our quality of life. Listen to this figure: In 1993, 180 million Americans, approximately 70 percent of the population, visited estuaries to fish, swim, hunt, dive, view wildlife, hike, and learn.

I urge my colleagues to support this important effort to restore the marshes, wetland and aquatic life that nourish our fish and wildlife, enhance water quality, control floods, and provide so many lasting benefits for the Nation. Before I conclude, I want to thank my colleague from Louisiana, Senator BREAUX, for all of his help on this issue. I also want to give a special thanks to Restore America's Estuaries and to Rhode Island Save the Bay for all of their hard work, without which this effort would not have been possible.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

ESTUARY HABITAT RESTORATION PARTNERSHIP ACT OF 1997

SEC. 1.—SHORT TITLE

This section designates the title of the bill as the ''Estuary Habitat Restoration Partnership Act of 1997''.

SEC. 2.—FINDINGS

This section cites Congress' findings on the ecological and economic value of estuaries.

SEC. 3.—PURPOSES

The purposes of this Act are to: provide a voluntary, community-driven, incentive-based program to catalyze the restoration of one million acres of estuary habitat by the year 2010; assure the coordination and leveraging of existing Federal, State and local restoration programs, plans and studies; create effective restoration partnerships among public agencies at all levels of government, and between the public and private sectors; promote the efficient financing of estuary habitat restoration activities to help leverage limited federal funding; and develop monitoring and maintenance capabilities to assure that restoration efforts build on the successes of past, current efforts, and sound science.

SEC. 4.—DEFINITIONS

This section defines several terms used throughout the Act. Among the most important definitions:

''Estuary'' is defined as a body of water and its associated physical, biological and chemical elements, in which fresh water from a river or stream meets and mixes with salt water from the ocean.

''Habitat'' is defined as the complex of physical and hydrologic features and living organisms within estuaries and their associated ecosystems, including salt and fresh water coastal marshes, coastal forested wetlands and other coastal wetlands, tidal flats, natural shoreline areas, shellfish beds, sea grass meadows, kelp beds, river deltas, and river and stream banks under tidal influence.

''Restoration'' is defined as an activity that results in improving an estuary's habitat, including both physical and functional restoration, with a goal towards a self-sustaining, ecologically based system that is integrated with its surrounding landscape.

SEC. 5.—ESTABLISHMENT OF A COLLABORATIVE COUNCIL

This section establishes a Collaborative Council chaired by the Secretary of the Army; with the participation of the Under Secretary for Oceans and Atmosphere, Department of Commerce; the Secretary of the Interior, through the U.S. Fish and Wildlife Service; the Administrator of the Environmental Protection Agency; and the Secretaries of Agriculture and Transportation. It sets forth the decision making procedures to be followed by the Council in its two principal functions, which are: (1) the development of a habitat restoration strategy and (2) the selection of habitat restoration projects.

SEC. 6.—FUNCTIONS OF THE COLLABORATIVE COUNCIL

This section creates a process to coordinate, streamline and leverage existing Federal, State and local resources and activities directed toward estuary habitat restoration.

Habitat Restoration Strategy.—The Council is required to draft a strategy to provide a national framework for estuary habitat restoration by identifying existing restoration plans, integrating overlapping restoration plans, and identifying appropriate processes for the development of restoration plans, where needed. In developing the strategy, the Council shall consider: the contribution of estuary habitat to wildlife, fish and shellfish, surface and ground water quantity and

quality, flood control, outdoor recreation, and other areas of concern; estimated historic, current, and future losses of estuary habitat; the most appropriate method for selecting estuary restoration projects; and procedures to minimize duplicative application requirements for landowners seeking assistance for habitat restoration activities.

Selection of Projects.—The Council is required to establish application criteria for restoration projects based on a number of criteria, including: the level of support from non-Federal persons for the development and long-term maintenance and monitoring of the project; whether the project criteria fall within the habitat restoration strategy developed by the Council and are set forth in existing estuary habitat restoration plans; whether the State has a dedicated fund for estuary restoration; the level of private funding for the restoration project; and the technical merit and feasibility of the proposal.

Priority Projects.—Among the projects that meet the criteria listed above, the Council shall give priority for funding to those projects that: are part of an approved Federal estuary management or habitat restoration plan; address a restoration goal outlined in the habitat restoration strategy; have a non-Federal share that exceeds 50 percent; and are subject to a nonpoint source program that addresses upstream sources that would otherwise re-impair the restored habitat.

The Council may not select a project under this section until each non-Federal interest participating in the project has entered into a written cooperation agreement to provide for the maintenance and monitoring of the proposed project. This section authorizes $4,000,000 for the operating expenses of the Council.

SEC. 7.—HABITAT RESTORATION PROJECT COST-SHARING

This section strengthens local and private-sector participation in estuary restoration efforts by building public-private restoration partnerships. It establishes a non-Federal share match requirement of no less than 35 percent but no more than 75 percent of the cost of a project. A project applicant may waive the 35 percent minimum requirement; however, if the applicant demonstrates a need for a reduced non-Federal share in accordance with the requirements of the Water Resources Development Act of 1986. Land easements, services, or other in-kind contributions may be used to meet the Act's non-Federal match requirements.

SEC. 8.—MONITORING AND MAINTENANCE OF HABITAT RESTORATION PROJECTS

This section assures that available information will be used to improve the methods for assuring successful long-term habitat restoration. To that end, it requires the Under Secretary for Oceans and Atmosphere (NOAA) to maintain a database of restoration projects carried out under this Act, including information on project techniques, project completion, monitoring data, and other relevant information.

This section also requires the Collaborative Council to publish a biennial report to Congress that includes program activities, including the number of acres restored; the percent of restored habitat monitored under a plan; the types of restoration methods employed; the activities of governmental and non-governmental entities with respect to habitat restoration; and the effectiveness of the restoration.

SEC. 9.—MEMORANDA OF UNDERSTANDING

This section authorizes the Council to enter into cooperative agreements and execute memoranda of understanding with Federal and State agencies, private institutions, and Indian tribes, as necessary to carry out the requirements of this Act.

SEC. 10.—DISTRIBUTION OF APPROPRIATIONS FOR HABITAT RESTORATION PROJECTS

This section authorizes the Secretary to disburse funds to the other agencies responsible for carrying out the requirements of this Act.

SEC. 11.—AUTHORIZATIONS

This section provides that funds currently authorized to be appropriated for the Corps of Engineers for land acquisition, environmental improvements and aquatic ecosystem restoration may be used to implement habitat restoration projects selected by the Council. This section also authorizes appropriations of $40,000,000 for fiscal year 1999; $50,000,000 for fiscal year 2000; and $75,000,000 for each of fiscal years 2001 through 2003 to carry out this Act.

SEC. 12.—GENERAL PROVISIONS

This section provides the Secretary with the authority to carry out responsibilities under this Act, and it clarifies that habitat restoration is one of the Corps' primary missions. It further clarifies that nothing in this Act supersedes existing Federal or State laws, and that agencies are required to carry out activities in a manner consistent with the provisions of this Act and other existing laws.

Mr. BREAUX. Mr. President, I am pleased and honored to join with my friend and colleague, Senator JOHN CHAFEE, chairman of the Senate Committee on Environment and Public Works, to introduce legislation to restore America's estuaries. Our bill is entitled the ''Estuary Habitat Restoration Partnership Act of 1997''.

Estuaries are a national resource and treasure. As a nation, therefore, we should work together at all levels and in all sectors to help restore them.

I am also pleased that 15 other Senators have joined with Senator CHAFEE and me as original cosponsors of the bill. Together, we want to draw attention to the significant value of the Nation's estuaries and the need to restore them.

It is also my distinct pleasure today to say with pride that Louisianians have been in the forefront of this movement to recognize the importance of estuaries and to propose legislation to restore them. The Coalition to Restore Coastal Louisiana, an organization which is well known for its proactive work on behalf of the Louisiana coast, has been from the inception an integral part of the national coalition, Restore America's Estuaries, which has proposed and supports the restoration legislation.

The Coalition to Restore Coastal Louisiana and Restore America's Estuaries are to be commended for their leadership and initiative in bringing this issue to the Nation's attention.

In essence, the bill introduced today proposes a single goal and has one emphasis and focus. It seeks to create a voluntary, community-driven, incentive-based program which builds partnerships between the Federal Government, State, and local governments and the private sector to restore estuaries, including sharing in the cost of restoration projects.

In Louisiana, we have very valuable estuaries, including the Ponchartrain, Barataria-Terrebonne, and Vermilion Bay systems. Louisiana's estuaries are vital because they have helped and will continue to help sustain local communities, their cultures and their economies.

I encourage Senators from coastal and noncoastal States alike to evaluate the bill and to join in its support with Senator CHAFEE, me and the 15 other Senators who are original bill cosponsors.

I look forward to working with Senator CHAFEE and other Senators on behalf of the bill and with the Coalition to Restore Coastal Louisiana and Restore America's Estuaries.

By working together at all levels of government and in the private and public sectors, we can help to restore estuaries. As important, we can, together, help to educate the public about the important roles which estuaries play in our daily lives through their many contributions to public safety and well-being, to the environment, and to recreation and commerce.

ADDITIONAL COSPONSORS

S. 9

At the request of Mr. GRAMM, his name was added as a cosponsor of S. 9, a bill to protect individuals from having their money involuntarily collected and used for politics by a corporation or labor organization.

S. 61

At the request of Mr. LOTT, the names of the Senator from New Jersey [Mr. LAUTENBERG] and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 114

At the request of Mr. INOUYE, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 114, a bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 364

At the request of Mr. LIEBERMAN, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 364, a bill to provide legal standards and procedures for suppliers of raw materials and component parts for medical devices.

S. 845

At the request of Mr. LUGAR, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 845, a bill to transfer to the Secretary of Agriculture the authority to conduct the census of agriculture, and for other purposes.

S. 852

At the request of Mr. LOTT, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 852,

a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 1008

At the request of Mr. DURBIN, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1008, a bill to amend the Internal Revenue Code of 1986 to provide that the tax incentives for alcohol used as a fuel shall be extended as part of any extension of fuel tax rates.

S. 1096

At the request of Mr. GRASSLEY, the names of the Senator from Oklahoma [Mr. NICKLES] and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 1096, a bill to restructure the Internal Revenue Service, and for other purposes.

S. 1105

At the request of Mr. COCHRAN, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 1105, a bill to amend the Internal Revenue Code of 1986 to provide a sound budgetary mechanism for financing health and death benefits of retired coal miners while ensuring the long-term fiscal health and solvency of such benefits, and for other purposes.

S. 1178

At the request of Mr. ABRAHAM, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1178, a bill to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and for other purposes.

S. 1194

At the request of Mr. KYL, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Mississippi [Mr. COCHRAN], the Senator from New Hampshire [Mr. SMITH], and the Senator from Colorado [Mr. ALLARD] were added as cosponsors of S. 1194, a bill to amend title XVIII of the Social Security Act to clarify the right of Medicare beneficiaries to enter into private contracts with physicians and other health care professionals for the provision of health services for which no payment is sought under the Medicare program.

SENATE CONCURRENT RESOLUTION 48

At the request of Mr. KYL, the names of the Senator from California [Mrs. BOXER], the Senator from Nevada [Mr. BRYAN], the Senator from Georgia [Mr. CLELAND], the Senator from Maine [Ms. COLLINS], the Senator from Idaho [Mr. CRAIG], the Senator from Ohio [Mr. DEWINE], the Senator from Connecticut [Mr. DODD], the Senator from Wyoming [Mr. ENZI], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Florida [Mr. GRAHAM], the Senator from Minnesota [Mr. GRAMS], the Senator from Iowa [Mr. GRASSLEY], the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Florida [Mr. MACK], the Senator from Kansas [Mr. ROBERTS], the Senator from Pennsylvania [Mr. SANTORUM], the Senator from New Hampshire [Mr. SMITH], the Senator from Oregon [Mr. SMITH], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Concurrent Resolution 48, a concurrent resolution expressing the sense of the Congress regarding proliferation of missile technology from Russia to Iran.

SENATE RESOLUTION 126—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON VETERANS' AFFAIRS

Mr. SPECTER, from the Committee on Veterans' Affairs, reported the following original resolution; which was placed on the calendar:

S. RES. 126

Resolved, That section 18(b) of Senate Resolution 54, 105th Congress, agreed to February 3, 1997, is amended by striking out ''$1,123,430'' and inserting in lieu therof ''$1,698,430''.

SENATE RESOLUTION 127—REGARDING A PLANNED STATE VISIT

Mr. FEINGOLD (for himself, Mr. ABRAHAM, Mr. HELMS, and Mr. WELLSTONE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 127

Whereas the President of the People's Republic of China is tentatively scheduled to begin a state visit in Washington, D.C., on October 29, 1997;

Whereas a state visit, unlike a working-level visit, involve the highest-level protocol that can be afforded a foreign head of state;

Whereas on December 13, 1995, a Beijing court sentenced Wei Jingsheng to 14 years in prison for peacefully advocating democracy and political reforms in China.

Whereas the Government of the People's Republic of China had previously imprisoned Wei Jingsheng from 1979 to 1993, also for peacefully promoting human rights and democracy in China;

Whereas Wei Jingsheng is just one of hundreds, if not thousands, of other political, religious, and labor dissidents who are imprisoned in China and Tibet for peacefully expressing their beliefs and exercising their internationally recognized rights of free association and expression.

Whereas like other prisoners, Wei Jingsheng is in poor health and Chinese authorities refuse to provide him with proper medical care; and

Whereas the Department of State 1996 Human Rights Report states: ''[t]he Government [of the People's Republic of China] continued to commit widespread and well-documented human rights abuses, in violation of international accepted norms, stemming from the authorities' intolerance of dissent, fear of unrest, and the absence or inadequacy of laws protecting basic freedoms.'': Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should not host a state visit by the President of the People's Republic of China until—

(1) the Government of the People's Republic of China immediately and unconditionally releases Wei Jingsheng, Wang Dan, and a significant number of other prisoners of conscience held in prison in China and Tibet;

(2) the Government of the People's Republic of China takes immediate steps toward improving the conditions under which political, religious, and labor dissidents are imprisoned in China and Tibet, including providing prisoners with adequate medical care and allowing international humanitarian agencies access to detention facilities; and

(3) the Government of the People's Republic of China makes significant progress toward improving overall human rights conditions in China and Tibet, including taking concrete steps to grant freedom of speech, freedom of religion, and freedom of association in compliance with international human rights standards.

Mr. FEINGOLD. Mr. President, I rise today to submit a resolution regarding the upcoming State visit by the President of the People's Republic of China, Mr. Jiang Zemin.

As we all know, President Clinton plans to host Mr. Jiang on a State visit to Washington at the end of October. The resolution I am offering today is a sense of the Senate resolution that states that President Jiang should not be given a red carpet welcome in our Nation's Capital until we see some progress on human rights in China. Specifically, the resolution calls for China to release Wei Jingsheng and other prisoners of conscience from jail as a precondition for a State visit.

By agreeing to this State visit without receiving any concession on human rights, the administration may be squandering perhaps its strongest source of leverage with Beijing. The Chinese Government has been pressing for such a visit in Washington for several years. The Chinese want to be treated like a great power. An invitation to the White House not only bestows legitimacy on the Communist regime, it will boost the prestige of President Jiang and help him to solidify his position as Deng Xiaoping's successor. In short, China needs this State visit more than the United States does.

Agreeing to invite the President of China to the White House before any improvement is made on human rights will send a terrible message. It will confirm what many Chinese leaders already believe—that the United States offers lots of rhetoric on human rights, but no action, and that the United States ultimately cares more about trade than political prisoners.

Judging by the administration's China policy, it is easy to see why the leadership in Beijing would come to such a conclusion. In 1994, the President delinked most-favored-nation trade status from human rights. This was a serious mistake. What we have seen since the delinkage is the reincarceration of political dissidents and increased repression in Tibet.

Just this past April, at the meeting of the U.N. Human Rights Commission, the United States mounted what I view as a half-hearted attempt to win passage of a resolution critical of China's human rights record. As we all know, that resolution failed to pass, and some of our close allies—including France,

Germany, and Canada—refused to cosponsor it. Finally, just this past June, the President once again unconditionally extended MFN to China for one more year.

Now, the administration is preparing to give Jiang Zemin a red carpet welcome in Washington despite the deplorable human rights conditions in China. Why wouldn't Chinese leaders conclude that, in the final analysis, the United States is unwilling to back up its human rights concerns with concrete action?

What we have then is not a policy of constructive engagement but one of unconditional engagement.

An invitation to the White House is meant to symbolize a relationship of close cooperation. But the United States simply does not have such a relationship with China. On security issues, China has sold sensitive nuclear and missile technologies to countries like Pakistan and Iran. The People's Republic of China last year fired missiles toward Taiwan in an attempt to disrupt the island's first democratic Presidential election. China has blatantly violated agreements on copyrights and intellectual property. And, as I have stated, China has made little, if any, attempt to improve its human rights conditions.

Now the administration is rewarding this lack of cooperation by hosting high-level visits by Chinese officials. Last December, the administration welcomed China's Defense Minister, Gen. Chi Haotian, to Washington. Mr. Chi, also known as the butcher of Beijing, was one of the People's Liberation Army officers who led the military assault against the citizens of the Chinese capital on June 4, 1989. Now, the administration wants to invite the President of China for a State visit, even though the Government of China—in the spirit of the Tiananmen Square massacre—continues to persecute anyone who dares criticize the Communist regime. Just this week, China's Justice Minister ruled out granting medical parole to pro-democracy dissident Wang Dan despite pleas from Wang's family, who say he is seriously ill.

When Jiang Zemin is given a 21-gun salute at the White House, the United States will lose what little credibility we have left on the issue of human rights.

Mr. President, this resolution simply calls on the administration to hold off on a State visit until China releases Wei Jingsheng and other political prisoners. This resolution focuses on Wei Jingsheng, but only as a symbol of the thousands of people who are rotting in Chinese jail cells or toiling in labor camps because they dared to peacefully express their political or religious beliefs.

Wei Jingsheng may be the most famous Chinese dissident, but we should never forget that there are many more like him, people whose names we may not know, but who nevertheless show the same type of courage. This resolution calls for the release of a significant number of political and religious prisoners in addition to Wei. China must know that the release of one or two high-profile dissidents is not enough.

In addition to demanding the release of political prisoners, the resolution also calls on China to give prisoners access to medical care, and to take concrete steps towards improving overall human rights conditions in China and Tibet.

These are realistic demands. This resolution does not say China must change its political system or withdraw from Tibet, events that are unlikely to take place before next month. This resolution only states that, in order to create the right atmosphere for a State visit, China must make a good-faith effort to improve human rights.

I should also point out that this resolution only applies to a State-level visit. The State Department's protocol office tells me there are several levels of visits including private visits, working visits, official visits, and finally, at the highest level, State visits. My goal in introducing this resolution is not to cut off all dialog between the United States and China. I would not necessarily object to having Mr. Jiang come to Washington for a working-level visit. But I feel the pomp and symbolism of a State-level visit is inappropriate given the present situation in China.

Oviously, China will object to this resolution, but it contains a message that Beijing must hear. China's leaders have unfortunately interpreted the inability of Congress to reach a consensus on China's most-favored-nation status as evidence that Members of Congress do not really care about human rights. But I assure you, Mr. President, that even though many of my colleagues have different views on the MFN issue, all share my concern for the plight of people like Wei Jingsheng.

China wants to be treated as a great power, but it does not want to accept the responsibilities that come with the role. It does not want to fulfill its treaty obligations nor abide by the international conventions—including those on human rights—that it has signed. This resolution sends a clear message that if the United States is to treat China like a great power, then China must comply with international human rights standards.

Mr. President, I think it is time for the United States to end its policy of unconditional engagement and put human rights and trade on an equal footing in our China policy.

I therefore urge my colleagues to support this resolution.

AMENDMENTS SUBMITTED

THE CELLULAR TELEPHONE PROTECTION ACT

HATCH AMENDMENT NO. 1251

(Ordered to lie on the table.)

Mr. HATCH submitted an amendment intended to be proposed by him to the bill (S. 493) to amend section 1029 of title 18, United States Code, with respect to cellular telephone cloning paraphernalia; as follows:

On page 6, line 1, strike ''The punishment'' and insert the following:

''(1) IN GENERAL.—The punishment''.

On page 6, line 2, strike ''section''.

On page 6, line 3, strike ''(1)'' and insert ''(A)'' and indent accordingly.

On page 6, line 7, strike ''(A)'' and insert ''(i)'' and indent accordingly.

On page 6, line 11, strike ''(B)'' and insert ''(ii)'' and indent accordingly.

On page 6, line 14, strike ''and''.

On page 6, line 15, strike ''(2)'' and insert ''(B)'' and indent accordingly.

On page 6, line 19, strike the punctuation at the end and insert ''; and''.

On page 6, between lines 19 and 20, insert the following:

''(C) in any case, in addition to any other punishment imposed or any other forfeiture required by law, forfeiture to the United States of any personal property used or intended to be used to commit, facilitate, or promote the commission of the offense.

''(2) APPLICABLE PROCEDURE.—The criminal forfeiture of personal property subject to forfeiture under paragraph (1)(C), any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by subsections (c) and (e) through (p) of section 413 of the Controlled Substances Act (21 U.S.C. 853).''.

THE DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

GRAHAM (AND OTHERS) AMENDMENT NO. 1252

Mr. GRAHAM (for himself, Mr. MACK, and Mr. KENNEDY) proposed an amendment to the bill (S. 1156) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes; as follows:

At the appropriate place, insert the following new section:

''SEC. . IMMIGRATION REFORM TRANSITION ACT OF 1997.

(a) IN GENERAL. —Section 240A, subsection (e), of the Immigration and Nationality Act is amended—

(1) in the first sentence, by striking ''this section'' and inserting in lieu thereof ''section 240A(b)(1)'';

(2) by striking '', nor suspend the deportation and adjust the status under section 244(a) (as in effect before the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996),''; and

(3) by striking the last sentence in the subsection and inserting in lieu thereof: ''The previous sentence shall apply only to removal cases commenced on or after April 1, 1997, including cases where the Attorney

General exercises authority pursuant to paragraphs (2) or (3) of section 309(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104–208, Division C, 110 Stat. 3009).''.

(b) REPEALERS.—Section 309, subsection (c), of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104–208, Division C, 110 Stat 3009) is amended by striking paragraphs (5) and (7).

(c) SPECIAL RULE.—Section 240A of the Immigration and Nationality Act is amended—

(1) In subsection (b), paragraph (3), by striking ''(1) or (2)'' in the first and third sentences of that paragraph and inserting in lieu thereof ''(1), (2), or (3)'', and by striking the second sentence of that paragraph;

(2) In subsection (b), by redesignating paragraph (3) as paragraph (4);

(3) In subsection (d), paragraph (1), by striking ''this section.'' and inserting in lieu thereof'' subsections (a), (b)(1), and (b)(2).'';

(4) in subsection (b), by adding after paragraph (2) the following new paragraph—

''(3 SPECIAL RULE FOR CERTAIN ALIENS COVERED BY THE SETTLEMENT AGREEMENT IN *AMERICAN BAPTIST CHURCHES ET AL.* V. *THORNBURGH* (ABC), 760 F. SUPP. 796 (N.D. CAL. 1991)—

''(A) The Attorney General may, in his or her discretion, cancel removal and adjust the status from such cancellation in the case of an alien who is removable from the United States if the alien demonstrates that—

''(i) the alien has not been convicted at any time of an aggravated felony and

''(I) was not apprehended after December 19, 1990, at the time of entry, and is either

''(aa) a Salvadoran national who first entered the United States on or before September 19, 1990, and who registered for benefits pursuant to the ABC settlement agreement on or before October 31, 1991, or applied for Temporary Protected Status on or before October 31, 1991; or

''(bb) a Guatemalan national who first entered the United States on or before October 1, 1990, and who registered for benefits pursuant to the ABC settlement agreement by December 31, 1991; or

''(cc) the spouse or unmarried son or daughter of an alien described in (aa) of this subclause, provided that the spouse, son or daughter entered the United States on or before September 19, 1990, or the spouse or unmarried son or daughter of an alien described in (bb) of this subclause, provided that the spouse, son or daughter enter the United States on or before October 1, 1990; or

''(II) is an alien who

(aa) is a Nicaraguan, Guatemalan, or Salvadoran who filed an application for asylum with the Immigration and Naturalization Service before April 1, 1990, and the Immigration and Naturalization Service had not granted, denied, or referred that application as of April 1, 1997; or

(bb) is the spouse or unmarried son or daughter of an alien described in (aa) of this subclause, provided that the spouse, son or daughter entered the United States on or before April 1, 1990; and

''(ii) the alien is not described in paragraph (4) of section 237(a) or paragraph (3) of section 212(a) of the Act; and

''(iii) the alien

''(I) is removable under any law of the United States except the provisions specified in subclause (II) of this clause, has been physically present in the United States for a continuous period of not less than seven years immediately preceding the date of such application, and proves that during all of such period he was and is a person of good moral character, and is a person whose removal would, in the opinion of the Attorney General, result in extreme hardship to the alien or to his spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence; or

''(II) is removable under paragraph (2) (other than section 237(a)(2)(A)(iii)) of section 237(a), paragraph (3) of section 237(a), or paragraph (2) of section 212(a), has been physically present in the United States for a continuous period of not less than 10 years immediately following the commission of an act, or the assumption of a status, constituting a ground for deportation, and proves that during all of such period he has been and is a person of good moral character, and is a person whose removal would, in the opinion of the Attorney General, result in exceptional and extremely unusual hardship to the alien or to his spouse, parent or child, who is a citizen of the United States, or an alien lawfully admitted for permanent residence.

''(B) Subsection (d) of this section shall not apply to determinations under this paragraph, and an alien shall not be considered to have failed to maintain continuous physical presence in the United States under clause (A)(iii) of this paragraph if the alien demonstrates that the absence from the United States was brief, casual, and innocent, and did not meaningfully interrupt the continuous physical presence.

''(C) The determination by the Attorney General whether an alien meets the requirements of subparagraph (A) or (B) of this paragraph is final and shall not be subject to review by any court. Nothing in the preceding sentence shall be construed as limiting the application of subparagraph (B) of section 242(a)(2) to other eligibility determinations pertaining to discretionary relief under this Act.''.

(d) EFFECTIVE DATE OF SUBTITLE (C).—The amendments made by subtitle (c) shall be effective as if included in Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104–208, Division C, 110 Stat. 3009).

(e) APPEAL PROCESS.—Any alien who has become eligible for suspension of deportation or cancellation of removal as a result of the amendments made by subsection (b) and (c) may, notwithstanding any other limitations on motions to reopen imposed by the Immigration and Nationality Act or by regulation file one motion to reopen to apply for suspension of deportation or cancellation of removal. The Attorney General shall designate a specific time period in which all such motions to reopen must be filed. The period must begin no later than 120 days after the date of enactment of this Act and shall extend for a period of 180 days.

MACK (AND OTHERS) AMENDMENT NO. 1253

Mr. MACK (for himself, Mr. GRAHAM, and Mr. KENNEDY) proposed an amendment to amendment No. 1252 proposed by Mr. GRAHAM to the bill, S. 1156, supra; as follows:

Strike all after the word ''SEC. .'' and insert the following:

IMMIGRATION REFORM TRANSITION ACT OF 1997.

(a) IN GENERAL.—Section 240A, subsection (e), of the Immigration and Nationality Act is amended—

(1) in the first sentence, by striking ''this section'' and inserting in lieu thereof ''section 240A(b)(1)'';

(2) by striking '', nor suspend the deportation and adjust the status under section 244(a) (as in effect before the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996),''; and

(3) by striking the last sentence in the subsection and inserting in lieu thereof: ''The previous sentence shall apply only to removal cases commenced on or after April 1, 1997, including cases where the Attorney General exercises authority pursuant to paragraphs (2) or (3) of section 309(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104–208, Division C. 110 Stat. 3009).''.

(b) REPEALERS.—Section 309, subsection (c), of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104–208, Division C, 110 Stat. 3009) is amended by striking paragraphs (5) and (7).

(c) SPECIAL RULE.—Section 240A of the Immigration and Nationality Act is amended—

(1) In subsection (b), paragraph (3), by striking ''(1) or (2)'' in the first and third sentences of that paragraph and inserting in lieu thereof ''(1), (2), or (3)'', and by striking the second sentence of that paragraph;

(2) In subsection (b), by redesignating paragraph (3) as paragraph (4);

(3) In subsection (d), paragraph (1), by striking ''this section.'' and inserting in lieu thereof ''subsections (a), (b)(1), and (b)(2).'';

(4) in subsection (b), by adding after paragraph (2) the following new paragraph—

''(3) SPECIAL RULE FOR CERTAIN ALIENS COVERED BY THE SETTLEMENT AGREEMENT IN AMERICAN BAPTIST CHURCHES ET AL. V. THORNBURGH (ABC), 760 F. SUP. 796 (N.D. CAL. 1991)—

''(A) The Attorney General may, in his or her discretion, cancel removal and adjust the status from such cancellation in the case of an alien who is removable from the United States if the alien demonstrates that—

''(i) the alien has not been convicted at any time of an aggravated felony and—

''(I) was not apprehended after December 19, 1990, at the time of entry, and is either—

''(aa) a Salvadoran national who first entered the United States on or before September 19, 1990, and who registered for benefits pursuant to the ABC settlement agreement on or before October 31, 1991, or applied for Temporary Protected Status on or before October 31, 1991; or

''(bb) a Guatemalan national who first entered the United States on or before October 1, 1990, and who registered for benefits pursuant to the ABC settlement agreement by December 31, 1991; or

''(cc) the spouse or unmarried son or daughter of an alien described in (aa) of this subclause, provided that the spouse, son or daughter entered the United States on or before September 19, 1990, or the spouse or unmarried son or daughter of an alien described in (bb) of this subclause, provided that the spouse, son or daughter entered the United States on or before October 1, 1990; or

''(II) is an alien who—

''(aa) is a Nicaraguan, Guatemalan, or Salvadoran who filed an application for asylum with the Immigration and Naturalization Service before April 1, 1990, and the Immigration and Naturalization Service had not granted, denied, or referred that application as of April 1, 1997; or

(bb) is the spouse or unmarried son or daughter of an alien described in (aa) of this subclause, provided that the spouse, son or daughter entered the United States on or before April 1, 1990; and—

''(ii) the alien is not described in paragraph (4) of section 237(a) or paragraph (3) of section 212(a) of the Act; and—

''(iii) the alien—

''(I) is removable under any law of the United States except the provisions specified in subclause (II) of this clause, has been physically present in the United States for a continuous period of not less than seven years immediately preceding the date of such application, and proves that during all of such period he was and is a person of good moral character, and is a person whose removal would, in the opinion of the Attorney

General, result in extreme hardship to the alien or to his spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence; or—

''(II) is removable under paragraph (2) (other than section 237(a)(2)(A)(iii)) of section 237(a), paragraph (3) of section 237(a), or paragraph (2) of section 212(a), has been physically present in the United States for a continuous period of not less than 10 years immediately following the commission of an act, or the assumption of a status, constituting a ground for deportation, and proves that during all of such period he has been and is a person of good moral character, and is a person whose removal would, in the opinion of the Attorney General, result in exceptional and extremely unusual hardship to the alien or to his spouse, parent or child, who is a citizen of the United States, or an alien lawfully admitted for permanent residence.

''(B) Subsection (d) of this section shall not apply to determinations under this paragraph, and an alien shall not be considered to have failed to maintain continuous physical presence in the United States under clause (A)(iii) of this paragraph if the alien demonstrates that the absence from the United States was brief, casual, and innocent, and did not meaningfully interrupt the continuous physical presence.

''(C) The determination by the Attorney General whether an alien meets the requirements of subparagraph (A) or (B) of this paragraph is final and shall not be subject to review by any court. Nothing in the preceding sentence shall be construed as limiting the application of subparagraph (B) of section 242(a)(2) to other eligibility determinations pertaining to discretionary relief under this Act.''.

(d) EFFECTIVE DATE OF SUBTITLE (C).—The amendments made by subtitle (c) shall be effective as if included in Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104–208, Division C, 110 Stat. 3009).

(e) APPEAL PROCESS.—Any alien who has become eligible for suspension of deportation or cancellation of removal as a result of the amendments made by subsection (b) and (c) may, notwithstanding any other limitations on motions to reopen imposed by the Immigration and Nationality Act or by regulation file one motion to reopen to apply for suspension of deportation or cancellation of removal. The Attorney General shall designate a specific time period in which all such motions to reopen must be filed. The period must begin no later than 120 days after the date of enactment of this Act and shall extend for a period of 180 days.

(f) EFFECTIVE DATE OF SECTION.—This section shall take effect one day after enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the season of the Senate on Thursday, September 25, 1997, to conduct a markup of the committee print to reauthorize the transit provisions of ISTEA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, September 25, 1997, at 10 a.m. on S. 852—motor vehicle titling reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, September 25, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive testimony on the Federal agency energy management provisions of the Energy Policy Act of 1992.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. COATS. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Thursday, September 25, 1997 beginning at 9 a.m. in room 106 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 25, 1997, at 2 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. COATS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee Special Investigation to meet on Thursday, September 25, at 10 a.m. for a hearing on campaign financing issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on tobacco settlement during the session of the Senate on Thursday, September 25, 1997, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, September 25, 1997, at 9:30 a.m. until business is completed, to conduct a hearing on Capitol security issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AFRICAN AFFAIRS

Mr. COATS. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 25, 1997, at 10 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. COATS. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, September 25, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this hearing is to receive testimony on S. 799, a bill to direct the Secretary of the Interior to transfer to the personal representative of the estate of Fred Steffans of Big Horn County, WY, certain land compromising the Steffans family property; S. 814, a bill to direct the Secretary of the Interior to transfer to John R. and Margaret J. Lowe of Big Horn County, WY, certain land so as to correct an error in the patent issued to their predecessors in interest; and H.R. 960, a bill to validate certain conveyances in the city of Tulare, Tulare County, CA, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO GEORGE MURPHY

● Mr. KENNEDY. Mr. President, it is a privilege to take this opportunity to pay tribute to an outstanding leader in the American labor movement. All of us who know and admire George Murphy are proud of his lifetime of commitment to improving the lives of working communities across America, and are saddened by his retirement as general counsel of the United Food and Commercial Workers International Union.

In a very real sense, George has lived the American dream. He was born and raised in Washington, DC. His father, William, served as a police officer here. His mother, Rose, was a dedicated school teacher. George's parents instilled in him the commitment to excellence and service that have made him one of the finest and most respected labor attorneys in the country.

Throughout his 31 years of service, he has demonstrated extraordinary dedication to the ideals and principles of the labor movement that have led to so many achievements for union members and for millions of other workers across the country whose lives are better today because of George Murphy.

George's impressive leadership for the benefit of all working men and women and their families will be long remembered. I extend my warmest wishes and congratulations to George on his retirement. His outstanding service is an inspiration to us all.●

TRIBUTE TO DON GORDON

● Mr. MCCONNELL. Mr. President, I rise today to recognize the career of

Don Gordon, an outstanding newspaperman, who has retired after a distinguished career in journalism. Don served the western Kentucky area for 8 years as editorial editor for the Paducah Sun.

Don was born in Overland, MO, and upon graduating high school, served his country in the navy during the Korean war. In 1959, he graduated from the University of Missouri with a degree in journalism and has worked for newspapers ever since. Don has been a reporter, city editor, copy editor, and managing editor and has worked for newspapers in Missouri, Illinois, Oklahoma, and South Carolina, before coming to Kentucky. He and his wife, Zona, moved to Paducah in 1989, to return to a part of the country they love.

Don's interest in writing began at a very early age, and during his school days he was involved in printing neighborhood news and sports sheets. In the years when Don first became a professional journalist, it was very rare for a reporter to be credited with a byline. However, a series of articles Don wrote covering a murder trial so impressed one of his first editors, that he was given a byline for his good work. This was only to be the first of many instances in which Don's work was to be recognized by his peers. While reluctant to mention such things, he has won awards for best editorial from the Kentucky Press Association and was nominated for a Pulitzer Prize for journalism.

''Excellence'' is the word that best describes Don's work. Day after day, he consistently brought public issues into perspective by combining a mastery of the written language and knowledge of a variety of subjects, both local and national. He was a newspaperman's newspaperman.

Retirement in Don's case does not mean that he will be inactive. After 41 years of marriage, he and Zona will now have the opportunity to travel. The West and Alaska beckon. The couple also looks forward to serving as volunteer missionaries. They are active in Trinity Baptist Church, and have been involved in the Gideon Bible Society, and served in jail and prison ministries.

Mr. President, I commend Don Gordon for his outstanding service to western Kentucky. He will be missed by friends and coworkers, and just as importantly, by his many devoted readers. I ask that you and my fellow colleagues join me in recognizing the career of this outstanding Kentuckian, and wishing him well in all future pursuits.●

THE GARTNER GROUP, THE NEW YORK FEDERAL RESERVE BANK, AND DEUTSCHE MORGAN GRENFELL AGREE: POTENTIAL FOR A ''MILD GLOBAL RECESSIO''

● Mr. MOYNIHAN. Mr. President, we learn today in the New York Times that an alarming number of companies and governments are failing to cope with the impending year 2000 computer crisis.

A study by the respected Gartner Group, which specializes on information technology, indicates that fully ''30 percent of companies worldwide had not started addressing the year 2000 problem,'' and that of those ''88 percent were smaller companies.'' This is most troubling news. Failure to comply could lead, in the opinion of William J. McDonough, the president of the New York Federal Reserve Bank, to a global recession.

Analysts are also predicting that many companies will go out of business when their computer systems fail at the turn of the century. Again I quote the Times article: ''Edward Yardeni, the chief economist at Deutsche Morgan Grenfell, issued a report last week saying that there is a 35-percent chance that the millennium bug will cause 'at least a mild global recession' in 2000.''

My first day bill, S. 22, would establish an independent commission, more like a task force, to ensure that the Federal Government will be compliant, and to ensure that awareness and compliance will be raised in the private sector.

I ask that the article from today's Times, ''Many Reported Unready To Face Year 2000 Bug,'' be printed in the RECORD.

The article follows:

[From the New York Times, Sept. 25, 1997]

MANY REPORTED UNREADY TO FACE YEAR 2000 BUG

(By Laurence Zuckerman)

A new study shows that a large proportion of businesses and government agencies around the world are not properly preparing for the effect that the year 2000 will have on their computer systems, increasing the possibility of potentially serious disruptions as the end of the century approaches.

The study by the Gartner Group, an adviser on information technology, found that 30 percent of companies worldwide had not started addressing the year 2000 problem, or the millennium bug, as it is often called. Of these, 88 percent were smaller companies with fewer than 2,000 employees.

''We are going to see a very large number of small companies in very serious trouble,'' said Matthew Hotle, an analyst at Gartner, which is based in Stamford, Conn. ''They are not going to finish in time.''

The research also showed that large institutions, like universities and hospitals, and Government agencies, were far behind in their efforts. ''We were expecting that some agencies would have at least made up some ground over the last six to nine months,'' Mr. Hotle added, ''but they are way behind.''

The study, which is scheduled to be issued next month at an annual Gartner Group symposium, comes at a time when concern is rising about the potential impact of the millennium bug. Last week, Representative Steve Horn of California, the Republican chairman of the House subcommittee that oversees information technology issues, graded the preparation efforts of 24 Government agencies. Eleven received either D's or F's, including the National Aeronautics and Space Administration, the Department of Energy, the Nuclear Regulatory Commission and the Department of Transportation.

In addition, some prominent economists and William J. McDonough, the president of the New York Federal Reserve Bank, have warned that failure to cope with the 2000 problem properly could cause a global recession.

The millennium bug dates back to the dawn of the computer age, when computer memory was so scarce that programmers abbreviated the year as two digits. A computer that read ''97'' as a date assumed it meant 1997. After the turn of the century, those same programs, unless corrected, will read ''00'' as 1900, disrupting everything from the calculation of interest rates to the shelf life of breakfast cereal. Because the two-digit dates appear in different forms in different software, finding and correcting each program is extremely time consuming and labor intensive.

The Gartner Group has said in the past that fixing existing computer software will cost between $300 billion and $600 billion, an estimate that has not been increased as a result of the study. Mr. Hotle said that other estimates, including the costs of new hardware, business interruptions and potential litigation, could push the figure over $1 trillion.

The study surveyed 2,300 companies, institutions and government agencies in 17 countries. Each was given a rating based on their progress. The results show that most large companies are already well along in their efforts to cope with the millennium bug, led by the financial services industry. Though only 52 percent of companies with more than 20,000 employees were considered well positioned, the figure was nearly 80 percent in the United States.

The problem is that many large companies are becoming increasingly dependent on smaller suppliers that may not be as well prepared. For example, if a crucial parts supplier cannot deliver to a big auto maker, it will not matter that the auto company is year-2000 compliant.

''You are going to see some major slowdowns because of these small companies,'' said Lou Marcoccio, research director of Gartner's year 2000 practice.

Some analysts have also predicted that a number of companies, already teetering on the edge, will go out of business when their computer systems fail as a result of the bug. Edward Yardeni, the chief economist at Deutsche Morgan Grenfell, issued a report last week saying that there is a 35 percent chance that the millennium bug will cause ''at least a mild global recession'' in 2000.

While the Federal Government has come under criticism in Congress, the Gartner study found that the United States is far ahead of other countries. Last week, the Office of Management and Budget sent a report to Congress predicting that the cost of fixing the Government's computers would be $3.8 billion.●

MAJ. GEN. RAY E. MCCOY, USA

● Mr. INHOFE. Mr. President, I rise today to commend Maj. Gen. Ray E. McCoy, USA, upon his retirement from the United States Army after more than 32 years of distinguished and dedicated service to our Nation.

Major General McCoy, a native son of the Oklahoma farmland, graduated in 1965 from Oklahoma State University, where he received the prestigious Drummond Saber Award as the year's outstanding ROTC graduate. That honor was the harbinger of an extraordinary military career.

After completing Infantry School and Ranger training, Ray McCoy served in a variety of combat and command assignments stateside and overseas, including two tours in Vietnam and one in Korea. In the operations theater, his abiding concern for his charges, his roll-up-your-sleeves approach to getting the mission done, and his tempered-steel military bearing earned him the respect of all who soldiered with and for him.

As his career progressed, he served in a number of high-level staff positions at the Department of the Army, Joint Chiefs of Staff, the Army Material Command, and the Defense Logistics Agency [DLA] America's combat support agency. For the past 2 years, Major General McCoy has served as DLA's Principal Deputy Director. His vision and leadership were vital to the agency's business-process reengineering, which incorporated the best public and private sector practices. These initiatives elevated material readiness and strengthened the management and oversight of Defense contracts—and at markedly reduced cost to the taxpayers and the warfighters. Blending combat experience with business acumen, Ray McCoy was instrumental in the agency's successful efforts to accelerate logistics response and improve weapons-systems readiness. With Major General McCoy having led the charge, DLA is now a front line partner with combat and contingency operations forces in Bosnia and around the world.

Whether it was on the rough terrain of the combat theater or behind a desk, Ray McCoy served his country with valor, loyalty, and integrity. With the physical stature of a sturdy oak and the energy of a southwestern tornado, Ray McCoy demonstrates time and time again that he truly deserves to be called a soldier's soldier. On the occasion of his retirement from the U.S. Army, I offer my congratulations and thanks to this esteemed son of the Sooner State, and wish him well in his future pursuits.●

NATIONAL CENTER FOR RURAL LAW ENFORCEMENT

● Mr. LEAHY. Mr. President, I ask to have printed in the RECORD a copy of a resolution passed on May 29, 1997, by the Vermont Association of Chiefs of Police supporting H.R. 1524 which creates a National Center for Rural Law Enforcement.

I would like to thank them for sharing these resolutions with me. I also look forward to working with Senators HATCH, BIDEN, and others in introducing legislation in the Senate in support of a National Center for Rural Law Enforcement.

The resolution follows:

Whereas, the Vermont Association of Chiefs of Police support the National Center for: Rural Law Enforcement as several chiefs have attended regional conferences to discuss and identify the training and technical assistance needs of rural law enforcement agencies nationwide; and

Whereas, more than two hundred law enforcement officials, from rural areas, have attended these regional meetings and validated the need for federal assistance in areas of technical assistance, management training, and the formation of an information clearinghouse for rural law enforcement agencies; and

Whereas, the majority of existing local, state, and federal programs are too costly for small rural enforcement agencies and are generally designed to serve the larger law enforcement agencies of the country; and

Whereas, approximately one-third of all Americans live in rural areas, ninety percent of all law enforcement agencies serve populations of less than 25,000 residents, seventy-five percent of all law enforcement agencies serve a population of fewer than 10,000 residents, while rural violent crime has increased over thirty-five per cent in the last ten years; and

Whereas, rural law enforcement agencies have staffing limitations and financial limitations which make it difficult to properly train on and/or address the specific crime-related issues facing all rural law enforcement administrators in our country; and

Whereas, we believe that the creation of a national center for rural law enforcement would enhance and complement present state standards and training and does not duplicate any existing program; now, therefore, be it

Resolved, That the Vermont Association of Chiefs of Police strongly support the creation of the National Center for Rural Law Enforcement that would be funded through federal legislation;

Be it further resolved, That the operational control and oversight of the National Center for Rural Law Enforcement would rest upon an advisory board made up primarily of Sheriffs and Chiefs of Police from rural law enforcement agencies from each region of the county.●

COL. RYSZARD KUKLINSKI

● Mr. ROTH. Mr. President, I rise today to acknowledge the work of an unsung hero, a man whose unparalleled sense of duty to a free and democratic Poland contributed immeasurably not only to that country's freedom from Soviet domination but also to the security of the United States. I refer to Col. Ryszard Kuklinski.

You see, during the height of the cold war, when NATO and Soviet-led Warsaw Pact forces confronted each other in a divided Europe, Colonel Kuklinski risked his life to help free Poland from foreign oppression.

This risk came in the form of over 35,000 pages of secret military documents he turned over to the United States Government, documents that detailed Soviet operational plans for surprise attacks on Western Europe, scenarios for a nuclear launch, specifications for more than 200 advanced Soviet weapons systems, and details of Soviet plans to impose Marshal law on Poland. His information was an invaluable asset to the West, and contributed immensely to the alliance's success in deterring Soviet aggression in Europe.

Colonel Kuklinski asked for nothing in return for his information. Instead, he was forced to flee his country with his family when his actions were discovered by Soviet authorities sometime in 1981.

After the Warsaw Pact realized what had happened after his departure from Poland, Colonel Kuklinski was issued in absentia a death sentence by a military tribunal.

On Monday, the Polish Government—the government of a free and democratic Poland—took the step of dropping espionage charges against this hero and formally recognized that his actions served the highest interests of Poland. I commend the Polish Government and its military for taking this much needed step.

I decided to raise the heroic story of Colonel Kuklinski for two reasons. First, to thank him and to express my admiration for the sacrifices he made for a free and democratic Poland. Second, as the Senate will soon be considering Poland's application for NATO membership, it is important to remember that Poland is not a former foe, but was once a captive nation whose people were ready to risk anything in order for their country to be free and to be full member of the transatlantic community of democracies.●

COMPREHENSIVE TEST BAN TREATY

● MR. FEINGOLD. Mr. President, I rise today to commend President Clinton for submitting the Comprehensive Test Ban Treaty to the Senate for its advice and consent.

This treaty represents decades of work by eight administrations.

Now it is time for the Senate to do its job and ratify the CTBT at the earliest possible date.

Just as the United States was a leader in the development of nuclear weapons, the U.S. has also led the drive to limit nuclear testing. On June 10, 1963, President John F. Kennedy made an historic address at American University during which he announced that the U.S. and the Soviet Union would begin negotiations on a comprehensive test ban treaty.

President Kennedy said, ''The conclusion of such a treaty, so near and yet so far, would check the spiraling arms race in one of its most dangerous areas. It would place the nuclear powers in a position to deal more effectively with one of the greatest hazards which man faces in 1963, the further spread of nuclear arms.''

In the years since President Kennedy made those remarks, the world has witnessed the end of the Cold War, and the spiraling arms race he spoke of has come to an end.

But the spread of nuclear weapons is still as great a hazard in 1997 as it was in 1963. President Kennedy saw then that banning nuclear testing was an important step in curbing the proliferation of nuclear weapons.

Now, 34 years after President Kennedy's speech and 52 years after the first nuclear test, we are finally on the verge of ending all nuclear explosions, including those underground.

I fully agree with President Clinton, who—in announcing the action on this

treaty in front of the United Nations General Assembly earlier this week—proclaimed the CTBT as the ''longest-sought, hardest-fought prize in the history of arms control.''

I think President Bush and President Clinton deserve a great deal of credit for making the final push to achieve a total test ban.

In 1992, President Bush decided to place a unilateral moratorium on nuclear tests. President Clinton then extended the moratorium until a comprehensive test ban could be negotiated with the other nuclear powers.

The leadership shown by President Bush and President Clinton created the momentum that led to the passage of the CTBT in the United Nations last year. Had the United States not taken the initiative to halt its nuclear testing first, I doubt that the Senate would have a test ban treaty to consider.

It is critical that the United States not shirk its leadership role now that the CTBT is so close to going into effect. Already, eight states have ratified the CTBT including Japan, which ratified the treaty this past July, and, most recently, the Czech Republic on the 8th of this month.

But obviously the CTBT will be meaningless unless the five major nuclear powers ratify it. Here is where the United States can once again be at the front of the line. The United States has, after all, conducted the lion's share of nuclear tests in the last 50 years—1,030 in all, compared to 715 by the Soviet Union; 45 by the United Kingdom; 210 by France and 45 by China.

But perhaps the greatest challenge to this treaty will be getting the undeclared nuclear powers on board. India and Pakistan have not signed the CTBT and their absence endangers the entire treaty. As two countries who have been in conflict with each other since becoming independent nations, India and Pakistan may have the most to gain from a ban on nuclear tests.

The United States, along with each of the 145 other nations who have signed the treaty, need to work together to convince India of the wisdom of the comprehensive test ban. India should realize that the CTBT is just another step towards complete nuclear disarmament. Islamabad [iz-LAHM-ah-BAHD] indicates that once India agrees to the CTBT, Pakistan would also sign. This is an historic opportunity to help facilitate peace in Asia—one that the United States should not miss.

North Korea is another holdout.

But, unlike Pakistan and India, the North Koreans have yet to show a true commitment to greater integration in the international system. Many intelligence analysts from both the United States and South Korea believe that North Korea may already possess a crude nuclear device.

Hopefully, one day, even North Korea will bend to international pressure and accept a test ban.

Despite what critics of the CTBT might say, the treaty is enforceable.

Nuclear explosions of any substantial size are very difficult to hide. This treaty will establish an international monitoring system that incorporates seismological, infrasound, and other technologies. State-of-the-art seismological sensors can detect blasts as small as one kiloton anywhere in the world.

But the treaty also includes provisions for on-site monitoring so inspectors can visit test sights quickly if there is any suspicion that a nuclear blast has occurred.

Events of the last month have illustrated how important it is to have a well-monitored CTBT. On August 16, seismologists detected evidence that Russia may have exploded a nuclear device at its test site in the Arctic. However, there is evidence to back Moscow's claim that the seismic activity was the result of an underwater earthquake, rather than a nuclear test.

The monitoring regime that the CTBT will establish will make it much easier to investigate such incidents and will reduce mutual suspicion between the nuclear powers.

The Comprehensive Test Ban Treaty is indeed something that will enhance the security of the United States. In addition to making the nuclear programs of China and Russia more transparent, the test ban will make it significantly more difficult for rogue states like Iran or Iraq to complete development of their own nuclear weapons.

As a complement to the CTBT, the United States and the other nuclear powers should do all they can to ensure that threshold countries do not have access to advanced technology—such as high-speed computer modeling—that would help them to develop reliable weapons without actually conducting nuclear tests.

Mr. President, the Comprehensive Test Ban Treaty is now in our hands and it is up to the Senate to act.

I hope the Chairman of the Senate Foreign Relations Committee [Mr. HELMS] will hold hearings on this treaty before the end of the First Session of the 105th Congress so that the full Senate can ratify the CTBT by early next year.

This treaty has won near unanimous support in the United Nations. Countries—both Communist and capitalist, developing and developed—have signed this treaty. The CTBT has overwhelming multilateral support and it deserves full bipartisan support in the Senate.

I urge all my colleagues to support the Comprehensive Test Ban Treaty.

Let me close with another quote from President Kennedy's speech at American University. ''Genuine peace must be the product of many nations, the sum of many acts. It must be dynamic, not static, changing to meet the challenge of each new generation. For peace is a process—a way of solving problems.''

Mr. President, the CTBT is an important tool in meeting one of today's biggest challenges: ending the threat of nuclear war.

We must meet this challenge.

TRIBUTE TO RAFAEL GARCIA AND OCTAVIO VIVEROS, JR.

● Mr. BOND. Mr. President, I rise today to pay tribute to the Hispanic American population during National Hispanic Heritage Month. Every year, from September 15 through October 15, Hispanic Americans celebrate their Heritage and are honored for their many civic contributions and achievements throughout the Nation. In the spirit of Hispanic Heritage Month, I recognize two individuals, Rafael Garcia and Octavio Viveros, Jr., whom I nominated to represent my home State of Missouri on the United States Senate Task Force on Hispanic Affairs.

Rafael Garcia is president and owner of Rafael Architects, Inc. (RAI). Honored with many architectural awards, Rafael has also received numerous Community Service awards. In 1997, Rafael earned ''Entrepreneur of the Year Finalist'' to add to his Hispanic Leadership award, and his ''Top 25 Hispanic Leaders in Kansas City'' honor given by Dos Mundos Newspaper. He is a member of several Charity and Community Boards of Directors including Heart of America United Way, Starlight Theater and the Kansas City Art Institute. Rafael volunteers for FOCUS/Odyssey 2000 West as a facilitator and for Project HOPE (Hope, Opportunity, Performance, Education through Entrepreneurship) and has been written up in several prominent magazines for his many accomplishments and contributions. He personifies everything positive in the Kansas City Metropolitan area and I am excited to have him working on this important cause for Hispanic communities across the United States.

Octavio Viveros, Jr. is a Founder and Partner of Viveros & Barrera L.C. Law Firm and is Founder and President of LatAm Trading, Inc. Octavio has been appointed to the Board of Indigent's Defense a Gubernatorial Appointment for the State of Kansas and the Key Commission a Mayoral Appointment for the City of Kansas City, MO. He is the founder of the Hispanic Economic Development Corporation of Kansas City, a former President of the Board of Directors for the Hispanic Chamber of Commerce of Greater Kansas City and a member of the Kansas City Centurious Leadership Program, to name a few of his civic accomplishments. Octavio has earned many awards including recognition as one of the ''25 Most Influential Hispanics in Kansas City'' in 1993 by Dos Mundos Newspaper. Most recently he attended United States Senate Republican Conference as a member of the Task Force on Hispanic Affairs here in Washington, DC. His continuing commitment to not only the Kansas City Community, but also the entire Hispanic

American Community is a positive example for all and I am extremely pleased to have him on my team.

I believe that Rafael and Octavio will be able to help the Hispanic community by encouraging growth and opportunity. Each year exemplary leadership in the Hispanic Community is evidenced by achievement in the work force and community involvement. It is impressive to watch this expansion and I congratulate all Hispanic Americans, especially Rafael and Octavio, during this important month of Heritage. I commend them on their present success and hope for even more in the years to come.●

LANDMINES

● Mr. LEAHY. Mr. President, many have asked whether the Department of Defense has so involved itself in the landmine debate that they have even changed definition to win in their opposition to joining the majority of nations seeking a ban.

An article from September 24, 1997, the Washington Post answers the question and I ask that it be printed in the RECORD.

The article follows:

CLINTON DIRECTIVE ON MINES: NEW FORM, OLD FUNCTION

(By Dana Priest)

When is an antipersonnel land mine—a fist-sized object designed to blow up a human being—no longer an antipersonnel land mine?

When the president of the United States says so.

In announcing last week that the United States would not sign an international treaty to ban antipersonnel land mines, President Clinton also said he had ordered the Pentagon to find technological alternatives to these mines. ''This program,'' he said, ''will eliminate all antipersonnel land mines from America's arsenal.''

Technically speaking, the president's statement was not quite accurate.

His directive left untouched the millions of little devices the Army and Defense Department for years have been calling antipersonnel land mines. These mines are used to protect antitank mines, which are much larger devices meant to disable enemy tanks and other heavy vehicles.

The smaller ''protectors'' are shot out of tanks or dropped from jets and helicopters. When they land, they shoot out threads that attach themselves to the ground with tiny hooks, creating cobweb-like tripwires. Should an enemy soldier try to get close to the antitank mine, chances are he would trip a wire, and either fragments would explode at ground level or a handball-sized grenade would pop up from the antipersonnel mine to about belly height. In less than a second, the grenade would explode, throwing its tiny metal balls into the soldier's flesh and bones.

In the trade, these ''mixed'' systems have names such as Gator, Volcano, MOPMS and Area Denial Artillery Munition, or ADAM.

These mines, Clinton's senior policy director for defense policy and arms control, Robert Bell, explained later, ''are not being banned under the president's directive because they are not antipersonnel land mines.'' They are, he said, ''antihandling devices,'' ''little kinds of explosive deices'' or, simply, ''munitions.''

Not according to the Defense Department, which has used them for years.

When the Pentagon listed the antipersonnel land mines it was no longer allowed to export under a 1992 congressionally imposed ban, these types were on the list.

And when Clinton announced in January that he would cap the U.S. stockpile of antipersonnel land mines in the inventory, they were on that list too.

At the time, there were a total of 1 million Gators, Volcanos and MOPMS, as well as 9 million ADAMs. (Only some ADAMs are used in conjunction with antitank mines, and those particular devices are no longer considered antipersonnel land mines.)

The unclassified Joint Chiefs of Staff briefing charts used to explain the impact of legislation to Congress this year explicitly state that Gators, Volcanos, MOPMS and ADAMs are antipersonnel land mines.

So does a June 19 Army information paper titled ''US Self-Destructing Anti-Personnel Landmine Use.'' So does a fact sheet issued in 1985 by the Army Armament, Munition and Chemical Command.

As does a recent Army ''Information Tab,'' which explains that the Gator is ''packed with a mix of 'smart' AP [antipersonnel] and 'smart' AT [antitank] mines.''

And when Air Force Gen. Joseph W. Ralston, vice chairman of the Joint Chiefs of Staff, briefed reporters at the White House on may 16, 1996, he said: ''Our analysis shows that the greatest benefit of antipersonnel land mines is when they are used in conjunction with antitank land mines. . . . If you don't cover the antitank mine field with antipersonnel mines, it's very easy for the enemy to go through the mine field.''

A diplomatic dispute over the types of antipersonnel land mines Ralston was describing then and arms control adviser Bell sought to redefine last week was one of the main reasons the United States decided last week not to sign the international treaty being crafted in Oslo, Norway.

U.S. negotiators argued that because these mines are programmed to eventually self-destruct, they are not responsible for the humanitarian crisis—long-forgotten mines injuring and killing civilians—that treaty supporters hoped to cure with a ban, and therefore should be exempt from the ban.

Also, because other countries had gotten an exemption for the type of antihandling devices they use to prevent soldiers from picking up antitank mines—which are actually attached to the antitank mines—U.S. negotiators contended that the United States should get an exemption for the small mines it uses for the same purpose.

Negotiators in Oslo did not accept Washington's stance. They worried that other countries might seek to exempt the types of antipersonnel mines they wanted to use, too, and the whole treaty would soon become meaningless.

The administration was not trying to deceive the public, Bell said in an interview yesterday, bristling at the suggestion. Given the fact that the U.S. devices are used to protect antitank mines, ''it seems entirely common-sensical to us'' to call them antihandling devices.

Said Bell: ''this was not a case of us trying to take mines and then define the problem away.''●

HOW ONE 'ANTIHANDLING DEVICE' WORKS

When President Clinton spoke of eliminating antipersonnel land mines, he left out of his directive devices such as the Gator antipersonnel mine. The Gator mine prevents soldiers from disarming antitank mines. It works like this:

1. Gator mines grouped in a cluster bomb are dumped from planes onto the ground surrounding antitank mines.

2. When the mine lands, gas from a small squib forces spring-loaded tripwires to be released.

3. Tension on the tripwire sets off the fuse, sending low-flying fragments in all directions.

TRIBUTE TO ANGENETTE ''ANGIE'' MARTIN

● Mrs. FEINSTEIN. Mr. President, a woman who devoted most of her life to improving the lives of others lost her battle with cancer recently, and I would like to take a moment to acknowledge the accomplishments and the contributions of this extraordinary woman.

Angie Martin struggled with the dreaded disease of breast cancer for the past 5 years. She died on August 31 at her home in Sausalito, CA, and a memorial service will be held here in Washington, DC on Monday, September 29. The many people who knew Angie know that this memorial will not be in mourning for her death, but in celebration of a life of service to others.

The world is filled with passionate idealists. Angie was of the rarer breed of people who also had the ability to inspire passion in others. Rarer still was her talent for turning those passionate ideas into action. Her efforts were always aimed at improving the lives of others, the most rare gift of all.

Angie Martin pioneered grassroots organizing techniques, establishing a vital link between citizen action and social change, and created a model for grassroots and political campaigns nationwide. Working with consumer advocate Ralph Nader in Connecticut in the early 1970's, Angie helped to create the first ever citizens lobby devoted to environmental and consumer issues. She worked to improve conditions for migrant workers in New York state, and organized the highly acclaimed 1986 Hands Across America event to build awareness for the cause of hunger and homelessness in the United States.

Together with her friend and partner, Gina Glantz, Angie took on some of our Nation's toughest issues: homelessness, hunger, migrant workers, gun violence, teen pregnancy. Her counsel was valued by many of our Nation's most prominent leaders, including Senator TED KENNEDY and Vice President Walter Mondale.

Angie battled her disease with the same conviction and courage she brought to fighting for causes she believed in. Her legacy will live on in the lives of those she worked with, and in the lives of those she helped through her passionate efforts over the last three decades.

My thoughts and prayers are with her husband, Gene Eidenberg, and daughters, Danielle and Elizabeth. I know many of my colleagues will join me in paying tribute to this remarkable woman, by continuing the fight to find a cure for breast cancer and for all cancers, and by continuing to address the important issues for which she dedicated her life's work.●

INTERMODAL TRANSPORTATION ACT OF 1997

● Mr. ABRAHAM. Mr. President, I rise to comment on the Senate Environment and Public Works Committee's report on S. 1173, the Intermodal Transportation Act of 1997. The sponsors of this legislation argue that it will provide an adequate level of federal highway funds, distributed equitably among the states, so as to meet our surface transportation needs over the next six years. I wish I could be as optimistic, but I have concerns that this bill will simply perpetuate the intolerable situation under which donor states, like Michigan, have been forced to suffer.

There are two basic fundamental flaws with our current surface transportation funding process that must be addressed in order to provide every state the ability to meet its highway needs. First, the vast disconnect between how much an individual state contributes to the Highway Trust Fund and how much it receives in Federal highway aid must be bridged. Second, the vast disconnect between how much the Federal government takes into the Highway Trust Fund from gas taxes, and the total amount it distributes to the states in Federal highway aid must also be bridged. Until these two problems are properly addressed, donor states such as Michigan shall be forced to suffer under a inequitable system that is neither justified nor effective.

The bill to be reported out of the Environment and Public Works Committee, S. 1173, the Intermodal Transportation Act attempts to rectify the problem of this unequal distribution among the states by allegedly guaranteeing each state a 90-percent return on the gas taxes it contributes to the Highway Trust Fund. Unfortunately, this will not be the case. In FY 98, Michigan is expected to contribute over $795 million in gas taxes to the Highway Account of the Highway Trust Fund. Nonetheless, according to data provided by the sponsors of S. 1173, this new distribution formula will provide only $686 million in federal highway aid to Michigan, an 86-percent rate of return. And it only gets worse, for by FY 2003, when Michigan is projected to contribute $1.07 billion in gas taxes, it will receive only $726 million in federal highway aid, down to a 68-percent rate of return. Even these funding levels are just $5.7 billion per year more than the average ISTEA levels for Michigan. This formula, Mr. President, is far away from what I would call a fair means of distributing this country's limited highway dollars. I will stand firmly against any measure that perpetuates this inequality.

As for the issue of overall funding levels, S. 1173 does not address the Federal government's unfair practice of collecting gas taxes from American motorists, while refusing to expend them. We know this process to be a sleight of hand scheme by which the Federal government shirks the full burden of responsibility for the true size of the budget deficit. Years ago, American motorists were told that a gas tax would be collected as a ''user fee'' to provide a ''pay-as-you-go'' funding source for the Interstate Freeway System. They should expect the taxes they pay at the pump to be necessary to maintain the roads upon which they drive, and to be spent on those roads. In my opinion, when those taxes are not used for transportation purposes, the American motorist can rightfully conclude either those taxes are not necessary, or more likely, are being unjustly withheld from their proper use.

The Taxpayer Relief Act of 1997 took an important step towards correcting this unjustified withholding by transferring gas tax revenues which previously were being directed to the general revenue back to the Highway Trust Fund. These 4.3 cents of gas tax represent almost $5 billion in additional revenue for the Trust Fund, an account that will grow to over $30 billion in annual revenue by 2003. Yet the Intermodal Transportation Act only authorizes funding levels of approximately $24 billion per year, continuing to withhold nearly $6 billion per year in highway gas taxes to mask the deficit's true size, while allowing the continuation of wasteful government programs. Even under the unfair distribution formulas found in ISTEA, these $6 billion additional dollars would represent over $150 million in extra federal aid per year for Michigan, an increase of about 25 percent.

Mr. President, it is clear what we must now do. Any successor legislation to ISTEA must guarantee each and every state at least 95 cents in federal highway aid for every dollar it sends to Washington in gas taxes. The entire justification for this historically unfair distribution, a distribution scheme that forces states like Michigan to suffer as donor states, is rendered moot with the completion of the Interstate System, a declaration made six years ago in the very opening paragraph of ISTEA, to recognize America entering an era in which new construction transportation projects are started to fulfill regional, not national, demands.

Furthermore, Mr. President, we must stop withholding highway funds from the states. The successor legislation to ISTEA must guarantee that all the states are provided the opportunity to use all the revenues raised by gas taxes. Therefore, we must ensure that legislation is in place that will force the Federal government to spend on our highways an amount at least equal to that amount raised in gas taxes. Absent that, we must provide an opportunity for the States to raise their own gas tax revenues by repealing that portion of the gas tax not needed to fund the federal aid highway program, thereby allowing the states to raise, and keep for their roads, the gas tax revenues that would otherwise be siphoned off to unscrupulously mask the true size of the federal deficit and unjustifiably continue unnecessary federal spending.

Many of my colleagues are raising very similar concerns, Mr. President, and the next few weeks will likely see an intense debate on this issue. For my constituents in Michigan, no issue is more important than the federal road funding process, and I commit to them all my resources and efforts to rectify this inequitable situation. I will be joining many of my colleagues in proposing alternative methods of distributing our federal road funds so as to not only make it fairer for individual states, but also to ensure that the entire National Highway System, and our States' road system, are adequately maintained. And when Members of this Senate are able to score quick increases in their State's share of the federal dollar by threatening a filibuster, it makes the rest of us wonder what might be the most effective way for us to improve our States' situation. I plan to offer a series of amendments to address the fundamental issues I have discussed today, as well as proposals that will streamline. Only time will tell, Mr. President, but I trust we will be able to work together and derive an equitable and mutually beneficial funding solution.●

THE NOMINATION OF PETER SCHER TO BE SPECIAL TRADE AMBASSADOR FOR AGRICULTURE

● Mr. FEINGOLD. Mr. President, I want to make a few brief comments regarding the nomination of Mr. Peter Scher to be the Special Trade Ambassador for Agriculture which this Senate is considering today. I am pleased to report that the Senate Foreign Relations Committee, on which I serve, considered the nomination of Mr. Scher and favorably reported his nomination yesterday.

I met with Mr. Scher following his confirmation hearing before the Senate Foreign Relations Committee to discuss with him the problems Wisconsin's agricultural sector has had with our existing trade agreements such as the Uruguay Round of GATT and the North American Free Trade Agreement. I urged Mr. Scher, in his new position, to work diligently to ensure that our trading partners are complying with their agricultural trade obligations established by these agreements.

Specifically, I asked Mr. Scher and the USTR to accept a section 301 petition filed by the dairy industry asking USTR to challenge the Canadian export pricing scheme before the World Trade Organization. Canada's dairy export subsidies violate the export subsidy reduction commitments under the Uruguay Round. These subsidies disadvantage the United States dairy industry in its efforts to compete in world markets. I also pointed out that Canada also has effectively prohibited our dairy industry from exporting

products to lucrative Canadian markets. Not only must USTR aggressively pursue WTO dispute settlement proceedings against Canadian export subsidies, but it must also seek greater access for United States dairy products to Canadian markets, among others, in any upcoming trade negotiations.

I also raised with Mr. Scher the problems the United States potato industry has had with respect to access to both Canadian and Mexican markets. I urged him to pursue negotiations with the Canadians to allow greater access of United States potatoes to their domestic markets and to aggressively seek accelerated reduction in Mexican tariffs for United States potatoes, a commitment made to potato growers when NAFTA was approved. Mr. Scher assured me that potatoes would be among the commodities to be considered in upcoming negotiations with Mexico.

I believe Mr. Scher has a fundamental understanding of both the importance of trade to agriculture generally and of the complex trade problems the U.S. dairy industry faces regarding compliance with existing trade agreements. For that reason, I support the approval of his nomination. But I expect USTR, with Mr. Scher acting as Ambassador, to aggressively pursue the resolution of the critical issues facing our domestic dairy and potato sectors. I will continue to work with USTR to resolve these issues and will hold Mr. Scher to his commitment that USTR will use all existing tools to ensure compliance with existing trade agreements and to pursue greater access for agriculture to international markets.

I continue to have serious reservations about United States efforts to begin new trade negotiations until the problems with our current bilateral and multilateral agreements are successfully resolved. Wisconsin is home to 24,000 dairy farmers, 140 cheese processing plants and many other businesses associated with milk production and processing. Dairy contributes some $4 billion in income to Wisconsin's economy and provides 130,000 jobs. Wisconsin is also the fifth largest potato producing State with a large chip and french fry processing sector. Overall, Wisconsin ranks 10th in the Nation in farm numbers and 9th nationally with respect to market value of agricultural products sold.

Wisconsin's farmers and food processing industry could greatly benefit by gaining a greater share of international markets. However, for that to happen, our trade agreements must not only be fair, they must be enforceable. To date, our trade agreements have not only failed to provide significant benefits for many agricultural sectors, including dairy, they have placed some sectors at a distinct disadvantage. I will look at all future trade agreement proposals with an eye to these issues and make decisions on those proposals based, in part, on how they treat Wisconsin farmers.●

MEASURE PLACED ON CALENDAR—S. 25

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of S. 25, and the bill be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSING THE SENSE OF THE SENATE THAT INDIVIDUALS AFFECTED BY BREAST CANCER SHOULD NOT BE ALONE IN THEIR FIGHT AGAINST THE DISEASE

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Labor Committee be discharged from further consideration of Senate resolution 85 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 85) expressing the sense of the Senate that individuals affected by breast cancer should not be alone in their fight against the disease.

The Senate proceeded to consider the resolution.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 85) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 85

Whereas individuals with breast cancer need a support system in their time of need;

Whereas breast cancer is a disease of epidemic proportions, with 43,900 individuals in the United States expected to die from breast cancer in 1997, and 1 out of every 8 women in the United States expected to develop breast cancer in her lifetime;

Whereas the millions of family members, including spouses, children, parents, siblings, and other loved ones of persons with breast cancer can offer strong emotional support to each other in addition to the support they offer to patients and survivors dealing with their challenges;

Whereas it is important that the United States as a whole support the family members and other loved ones of individuals with breast cancer in addition to supporting the individual with breast cancer; and

Whereas 1997 brings the 25th anniversary of the National Cancer Program providing research, training, health information dissemination, and other programs with respect to the cause, diagnosis, prevention and treatment of cancer, rehabilitation from cancer, and the continuing care of cancer patients and their families: Now, therefore, be it

Resolved, That it is the sense of the Senate that an environment be encouraged where—

(1) the family members and loved ones of individuals with breast cancer can support each other in addition to the individual with breast cancer; and

(2) everything possible should be done to support both the individuals with breast cancer as well as the family and loved ones of individuals with breast cancer through public awareness and education.

THE 25TH ANNIVERSARY OF THE ESTABLISHMENT OF THE FIRST NUTRITION PROGRAM FOR THE ELDERLY UNDER THE OLDER AMERICANS ACT OF 1965

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Labor Committee be discharged from further consideration of Senate Concurrent Resolution 11, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 11) recognizing the 25th anniversary of the establishment of the first nutrition program for the elderly under the Older Americans Act of 1965.

The Senate proceeded to consider the concurrent resolution.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and further ask unanimous consent that the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 11) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 11

Whereas older individuals who receive proper nutrition tend to live longer, healthier lives;

Whereas older individuals who receive meals through the nutrition programs carried out under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) have better nutrition than older individuals who do not participate in the programs;

Whereas through the programs 123,000,000 meals were served to approximately 2,500,000 older individuals in congregate settings, and 119,000,000 meals were served to approximately 989,000 homebound older individuals, in 1995;

Whereas older individuals who participate in congregate nutrition programs carried out under the Act benefit not only from meals, but also from social interaction with their peers, which has a positive influence on their mental health;

Whereas every dollar provided for nutrition services under the Older Americans Act of 1965 is supplemented by $1.70 from State, local, tribal, and other Federal funds;

Whereas home-delivered meals provided under the Act are an important part of every community's home and community based long-term care program to assist older individuals to remain independent in their homes;

Whereas the home-delivered meals represent a lifeline to many vulnerable older individuals who are not able to shop and prepare meals for themselves;

Whereas the nutrition programs carried out under the Act successfully target the older individuals who are in greatest need and most vulnerable in the community; and

Whereas the nutrition programs have assisted millions of older individuals beginning with the enactment of Public Law 92–258, which established the first Federal nutrition program for older individuals, and continuing throughout the 25-year history of the programs: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Senate—

(1) celebrates the 25th anniversary of the first amendment to the Older Americans Act of 1965 to establish a nutrition program for older individuals, and

(2) recognizes that nutrition programs carried out under the Older Americans Act of 1965 continuously have made an invaluable contribution to the well-being of older individuals.

PROVIDING PERMANENT AUTHORITY FOR THE ADMINISTRATION OF AU PAIR PROGRAMS

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of calendar number 171, S. 1211.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1211) to provide permanent authority for the administration of au pair programs.

Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the bill be considered read a third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1211), was read the third time and passed, as follows:

S. 1211

Be it enacted by the Senate and House of Representatives of the United States of America in congress assembled,

SECTION 1. PERMANENT AUTHORITY FOR AU PAIR PROGRAMS.

Section 1(b) of the Act entitled ''An Act to extend au pair programs'', approved December 23, 1995 (Public Law 104–72; 109 Stat. 776) is amended by striking '', through fiscal year 1997''.

ORDERS FOR FRIDAY, SEPTEMBER 26, 1997

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9 a.m., on Friday, September 26. I further ask unanimous consent that on Friday, immediately following the prayer, the routine requests through the morning hour be granted, and that the Senate immediately begin a period of morning business until 10 a.m., with Senators permitted to speak for up to 5 minutes, with the following exceptions: Senator DASCHLE or his designee, 30 minutes, from 9 until 9:30; Senator COVERDELL or his designee, 30 minutes, from 9:30 until 10. I further ask unanimous consent that at the hour of 10 o'clock the Senate proceed to the consideration of S. 25, the campaign finance reform bill for debate only.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, reserving the right to object, and I will not object, I just inquire of the Chair if the previous agreement regarding the bill's immediate modification and the majority leader's immediate offering of his amendment will be executed when the Senate resumes consideration of S. 25 on Monday.

The PRESIDING OFFICER. The Senator is correct.

Mr. FORD. All right. I will accept then the unanimous-consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from North Carolina's request is agreed to.

PROGRAM

Mr. FAIRCLOTH. Mr. President, tomorrow, the Senate will be in a period for morning business from 9 a.m. to 10 a.m., as earlier ordered. Following morning business, at 10 a.m. the Senate will begin consideration of S. 25 regarding campaign finance reform for debate only.

Also, as announced, there will be no votes during Friday's or Monday's session of the Senate. Therefore, the next rollcall vote will be the cloture vote on the Coats amendment No. 1249 to the District of Columbia appropriations bill occurring Tuesday, September 30, at 11 a.m.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. FAIRCLOTH. Mr. President, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:24 p.m., adjourned until Friday, September 26, 1997, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate September 25, 1997:

DEPARTMENT OF THE TREASURY

DAVID W. WILCOX, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

THE JUDICIARY

STANLEY MARCUS, OF FLORIDA, TO BE U.S. CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT, VICE PETER T. FAY, RETIRED.

DEPARTMENT OF STATE

STANLEY TUEMLER ESCUDERO, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AZERBAIJAN.

DANIEL FRIED, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF POLAND.

JAMES CAREW ROSAPEPE, OF MARYLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ROMANIA.

PETER FRANCIS TUFO, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HUNGARY.

B. LYNN PASCOE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL NEGOTIATOR FOR NAGORNO-KARABAKH.

DAVID TIMOTHY JOHNSON, OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS HEAD OF THE UNITED STATES DELEGATION TO THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE [OSCE].

CONFIRMATION

Executive nomination confirmed by the Senate September 25, 1997:

THE JUDICIARY

KATHARINE SWEENEY HAYDEN, OF NEW JERSEY, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY.

EXTENSIONS OF REMARKS

H.R. 2544, THE TECHNOLOGY TRANSFER COMMERCIALIZATION ACT OF 1997

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mrs. MORELLA. Mr. Speaker, today I am introducing H.R. 2544, the Technology Transfer Commercialization Act of 1997, a bill which promotes technology transfer by facilitating licenses for federally owned inventions.

Each day research and development programs at our Nation's over 700 Federal laboratories produce new knowledge, processes, and products. Often, technologies and techniques generated in these Federal laboratories have commercial applications if further developed by the industrial community.

As a result, Federal laboratories are working closely with U.S. business, industry, and State and local governments to help them apply these new capabilities to their own particular needs. Through this technology transfer process our Federal laboratories are sharing the benefits of our national investment in scientific progress with all segments of our society.

It seems clear that the economic advances of the 21st century will be rooted in the research and development performed in our Nation's laboratories. These advances are becoming even more dependent upon the continuous transfer of technology into commercial goods and services. By spinning off and commercializing federally developed technology, the results of our Federal research and development enterprise are being used today to enhance our Nation's ability to compete in the global marketplace.

For over a decade and a half, Congress, led by the Science Committee has embraced the importance of technology transfer to our Federal laboratories and to our international competitiveness. We have enacted legislation establishing a system to facilitate this transfer of technology to the private sector and to State and local governments.

The primary law to promote the transfer of technology from Federal laboratories is the Stevenson-Wydler Technology Innovation Act of 1980. The Stevenson-Wydler Act, Public Law 96–480, makes it easier to transfer technology from the laboratories and provides a means for private sector researchers to access laboratory developments.

In addition, Congress has enacted additional laws to foster technology transfer, including the Federal Technology Transfer Act of 1986, Public Law 99–502; the Omnibus Trade and Competitiveness Act of 1988, Public Law 100–418; the National Competitiveness Technology Transfer Act of 1989, Public Law 101–189; and the American Technology Preeminence Act of 1991, Public Law 102–245, among others. In addition, Congress enacted the amendments to the patent and trademark laws, also known as the Bayh-Dole Act of 1980, Public Law 96–517.

Most recently, in the past Congress, the National Technology Transfer and Advancement Act of 1995, Public Law 104–113, which I introduced, was enacted into law. Public Law 104–113 amends the Stevenson-Wydler Technology Innovation Act of 1980 and the Federal Technology Transfer Act of 1986 to improve U.S. competitiveness by speeding commercialization of inventions developed through collaborative agreements between the Government and industry. The law also promotes partnership ventures with Federal laboratories and the private sector and creates incentives to laboratory personnel for new inventions.

As the chair of the House Science Committee's Technology Subcommittee, I am pleased to continue this tradition of advancing technology transfer and encouraging research and development partnerships between Government and industry with the introduction of H.R. 2544, the Technology Transfer Commercialization Act. H.R. 2544 seeks to remove the legal obstacles to effectively license federally owned inventions, created in Government-owned, Government-operated laboratories, by adopting the successful Bayh-Dole Act as a framework.

The bill provides parallel authorities to those currently in place under the Bayh-Dole Act for licensing university or university-operated Federal laboratory inventions. This bill also amends the Stevenson-Wydler Act, as amended, to allow Federal laboratories to include already existing patented inventions into a cooperative research and development agreement [CRADA].

Thus, agencies would be provided with two important new tools for effectively commercializing on-the-shelf federally owned technologies—either licensing them as stand-alone inventions, under the bill's revised authorities of section 209 of the Bayh-Dole Act, or including them as part of a larger package under a CRADA. In doing so, this will make both mechanisms much more attractive to U.S. companies that are striving to form partnerships with Federal laboratories.

Additionally, H.R. 2544 removes language requiring onerous public notification procedures in the current law, recognizing that in partnership with Government, industry must undertake great risks and expenditures to bring new discoveries to the marketplace and that in today's competitive world economy, time-to-market commercialization is a critical factor for successful products. Federal regulations currently require a 3-month notification of the availability of an invention for exclusive licensing in the Federal Register. If a company responds by seeking to license the invention exclusively, another notice requirement follows providing for a 60-day period for filing objections. The prospective licensee is publicly identified along with the invention during this second notice. This built-in delay of at least 5 months, along with public notification that a specific company is seeking the license, is a great disincentive to commercializing on-the-shelf Government inventions.

No such requirements for public notification and filing of objections exist for licensing university patents or patents made by contractor-operated Federal laboratories. In addition, no such restriction applies to companies seeking a CRADA, which now guarantees companies the right to an exclusive field of use license. In all the years that the statutes have been utilized, no evidence has arisen that the universities or contractor-operated laboratories abuse these authorities. The steady increase of university licensing agreements, royalties, commercialized technologies, and economic benefits to the U.S. economy shows that removing such legal impediments is critical to success.

Changing this provision would not only speed the commercialization of billions of dollars of on-the-shelf technologies, it would also allow these discoveries to be effectively included in a CRADA, which is now very difficult to do. These built-in delays fundamentally exacerbate the biggest industry complaint about dealing with the Federal Government as a R&D partner—it simply takes too long to complete a deal. Requiring a half-year delay to receive a license that both parties want to grant makes no sense.

Removing this restriction eliminates the last significant legal roadblock to expediting licensing and commercialization of Federally-funded patents. This should provide an important tool for our economic growth if the agencies apply this new authority aggressively.

While removing language requiring onerous public notification procedures in the current law, it is the intent of the bill that agencies will continue to widely disseminate public notices that inventions are available for licensing. Agencies should approach this in the same manner that they are now providing notice that opportunities for a CRADA are available under the Federal Technology Transfer Act, and universities advertise available licenses under the Bayh-Dole Act.

In providing the appropriate notice of the availability of their technologies for licensing, I would expect that agencies to the greatest possible use of the Internet. Electronic postings provide instantaneous notice that commercial partners are being sought for developing Federal patents. Virtually all Federal laboratories and universities now already use their Internet websites to post such notices. This should be a far more effective advertising tool than mere publication in the Federal Register, especially since most small businesses do not scan the Federal Register looking for new technologies.

Mr. Speaker, the Technology Transfer Commercialization Act streamlines Federal technology licensing procedures by removing the uncertainty and delay associated with the licensing determination process. Removing the roadblocks to the commercialization of Federal research and development by industry has been a goal we, in Congress, have long supported, and I would urge my colleagues to join me in this effort.

TRIBUTE TO COURT STREET SCHOOL

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. PAPPAS. Mr. Speaker, I rise today to call attention to an open house celebration for the Court Street School Education Community Center, Inc. [CSSECC] in Freehold, NJ.

The Court Street School was established in 1915 for the sole purpose of educating the African-American children in the area. The school remained open until 1974. In April 1990, the CSSECC began the planning and renovation of the school. Now, the CSSECC is ready to open the doors of this historical landmark for the entire Freehold community to see. This new community center will provide needed programs and support to area youth and their families.

Community centers, like the one in Freehold, are important infrastructures that help facilitate a stronger, compassionate community. It is in this spirit that the CSSECC has stated its mission: ''To inspire hope in our children with a team of parents, teachers, volunteers, and CSSECC support staff, singularly dedicated to instill in each child the belief that he or she is a unique gift of perfect love.''

Mr. Speaker, it is my honor to announce the Open House Celebration for the new Court Street School Education Community Center on Saturday, September 27, 1997.

SUPPORT OF THE 21ST CENTURY STUDENT FINANCIAL AID SYSTEM IMPROVEMENT ACT OF 1997

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. GOODLING. Mr. Speaker, I rise today in strong support of the leadership efforts of Mr. MCKEON in moving the Department's management of the student aid delivery system into the 21st century. After 18 hearings on the upcoming authorization of the Higher Education Act, it is safe to say that there is a clear consensus on the need for improved management of the student aid delivery system, except in the minds of the people currently managing those systems.

Currently, the Department of Education has a dozen or so computer systems and contracts which aid in the delivery of more than $40 billion in student financial aid every year. Timely delivery of these funds are vital to ensuring that every American has the ability to pursue a postsecondary education. We all recognize that this is no small task. However, the concerns that the Department's computer systems are out of date, vulnerable to fraud and abuse, and inordinately expensive to run cannot be ignored. The General Accounting Office, the Department's inspector general, the Advisory Committee on Student Financial Assistance, and a majority of the higher education community have all called for a fundamental restructuring of the way the Department manages the current student aid delivery system. Yet incredulously, the Department seems to think that it is on the road to becoming the Microsoft of the higher education community, at least that was the opinion of one senior Department of Education official at a hearing before Mr. MCKEON's subcommittee.

It's time to stop talking about delivery system improvements and system integration and to start doing something about it. Last year, students and parents suffered through horrendous processing delays when the Federal student aid application processing system failed. Earlier this year, students wishing to consolidate their student loans submitted applications only to encounter lengthy delays in processing. Now students wishing to consolidate their student loans are told not to bother applying, since the Department has shut down the entire processing system. And just last week, our colleague, Representative HORN, chairman of the Subcommittee on Government Management, Information and Technology, gave the Department a failing grade for its efforts to address the year 2000 computer changes needed to keep the financial aid systems running after the Office of Management and Budget included the Education Department on its list of troubled agencies. Less than 2 months ago, in testimony at our system modernization hearing, a Department official stated ''I would probably disagree if you say there are major bugs or problems because we have been able to continue to keep the trains running.'' Well, the train just stopped and it's the students who suffer as a result of the poor system management structure currently in place at the Department.

It's clear to me and the others here with us today that it is time to try a new approach. The bill that Mr. MCKEON has put together gets things moving in the rights direction. I sincerely hope that the Department of Education sees this effort as a positive step forward which will benefit students, parents, and institutions of higher education across the country.

SIXTY YEARS OF SERVICE: THE LADIES' AUXILIARY OF THE DELAWARE VOLUNTEER FIREMEN'S ASSOCIATION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. CASTLE. Mr. Speaker, I rise to salute and pay tribute to an outstanding and caring volunteer association in the State of Delaware. The Ladies Auxiliary of the Delaware Volunteer Firemen's Association.

This weekend, the ladies auxiliary will celebrate its 60th year of service to the citizens of the First State. Their history of volunteerism began on September 9, 1937, when the first president, Nan Laws Woods of the Five Points Fire Co. Ladies Auxiliary, struck the first gavel establishing the ladies' auxiliary of the Delaware Volunteer Firemen's Association. The auxiliary encompassed many of the fire companies in Delaware and pledged their combined efforts to help the firemen of Delaware as well as those whose homes had been damaged by fire. Organized efforts included contributions to burn centers, food, and clothing to burn victims as well as financial support.

During the war years, the auxiliary assisted the Red Cross by sending Christmas packages to soldiers. The members also encouraged the purchase of war bonds. Returning to peacetime, the auxiliary focused on fund raising efforts to assist local fire companies. Throughout their years of service, tired firefighters have come to rely on the meals and beverages served by the auxiliary during fires and emergencies. When the gavel falls to open the 60th annual meeting in Rehoboth Beach, it is fitting that Mrs. Barbara Lewis, the current president will preside. President Lewis is also from the Five Points Fire Co., the home of the Mrs. Nan Woods.

I offer my congratulations not only as a Member of the House of Representatives but as a former Governor who appreciates the leadership, teamwork and commitment of this association in their service to the people of Delaware. I wish them many more years of success in their endeavors as they continue to assist volunteer fire and emergency services throughout Delaware.

TRIBUTE TO ''THE BIG HELP'' NICKELODEON PROGRAM

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. CLYBURN. Mr. Speaker, this year, the Presidents' Summit for America's Future brought well-deserved attention to volunteers and volunteer programs throughout the country.

Six months later, a number of news organizations are reviewing the results the summit brought about in corporate America. One volunteer initiative that is especially interesting to me is Nickelodeon's ''The Big Help.'' This is a volunteer program that began 4 years ago and focuses on motivating and inspiring kids aged 6 to 14 to volunteer.

''The Big Help'' distinguishes itself because it involves not only Nickelodeon's corporate pledge to the summit, but also young Nickelodeon watchers' pledges to volunteer annually. This program is effective because it teaches children at an early age the value of giving back to their communities.

As part of its public responsibility, Nickelodeon created ''The Big Help''; in 1994 after their research discovered that kids wanted to help make the world a better place, they just didn't know how. Combining on-air messaging, school and community outreach, and partnerships with 23 national volunteer organizations, ''The Big Help'' provides kids with tools to actively volunteer and participate in real helping activities.

This Sunday, September 28, Nickelodeon is inviting Members of Congress and their families to a celebration of kid volunteerism and ''The Big Help.'' This event will also showcase Nick, Jr., Nickelodeon's award-winning preschool programming block, and its new online offerings including ''nick.com'' and ''teachers.nick.com,'' the Internet component to Nickelodeon's ''Cable-in-the-Classroom'' programs.

In addition to dedicating 10 percent of its airtime to ''The Big Help,'' Nickelodeon also provides substantial off-channel resources for outreach, including curriculum for elementary and middle schools and volunteer planning kits. In 1996, during the third annual ''Big Help-a-Thon,'' over 8.5 million kids called in and pledged over 92 million hours to making a difference in their communities.

To further reach kids on a grassroots level, Nickelodeon will kick-off ''The Big Help-on-the-Road,'' this Sunday in Washington. This mobile Big Help headquarters features video-based interactive kiosks, on-site volunteer activities, and information about local volunteer opportunities. ''The Big Help-on-the-Road'' will travel to local communities across the country—urban and rural, large and small—to champion the spirit of kid's voluntarism.

I hope you will join me in saluting Nickelodeon and its partner organizations in ''The Big Help.'' These include: 4-H, American Camping Association, The American Humane Association, Big Brothers/Big Sisters of America, Boys and Girls Clubs of America, the Caption Center, Earth Force, Easter Seals, Feed the Children, Girl Scouts of the USA, Girls Inc., Habitat for Humanity, Keep America Beautiful, National P.T.A., National Wildlife Federation, Points of Light Foundation, Ronald McDonald Charities, Safe America Foundation, Second Harvest, The U.S. Department of Education, Youth Service America, YMCA of the USA, and YWCA of the USA.

I'd like to commend Herb Scannell, president of Nickelodeon, for his corporate leadership and commitment to empowering kids to make a difference. I would also like to commend Marva Smalls, senior vice president at Nickelodeon, and a constituent of mine, for organizing ''The Big Help'' program.

Finally, I would like to salute the millions of kids across the country who are volunteering their time and efforts to make their world a better place. They should serve as an example to all of us.

OHIO CITIZENS AGAINST LAWSUIT ABUSE

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. GILLMOR. Mr. Speaker, I rise today to acknowledge a group of Ohioans who have come together to speak out on the issue of lawsuit abuse. Because of their ongoing concern, local citizens have volunteered their time to organize Ohio Citizens Against Lawsuit Abuse [OCALA] and to undertake a public awareness campaign about what they perceive as the problems of lawsuit abuse.

Based in Columbus, Ohio Citizens Against Lawsuit Abuse focuses their efforts in informing and educating Ohio residents about an issue that has statewide and national implications for all Americans. The costs of lawsuit abuse can include higher costs for consumer products and services, higher medical expenses, greater taxes, and fewer jobs due to lost business expansion and foregone product development. This is not a new concern for many of us in the House of Representatives, but one which must be addressed.

OCALA wants to help prevent unnecessary lawsuits that do more harm than good and bring balance, fairness, responsibility, and restraint to our court system. OCALA supporters believe that through education, there will be change in public understanding, attitudes, and behavior, and they have the opportunity to play a vital role in reforming the legal system.

This nonprofit grassroots organization has raised local funds to run educational media announcements and provide speakers for other organizations and citizens' groups across the State. They hope these actions will raise awareness of the lawsuit abuse issue and help legislators arrive at fair and equitable legislative solutions.

Gov. George Voinovich has declared September 22–27 as Lawsuit Abuse Awareness Week throughout the State of Ohio. I want to commend all the individuals who are involved in Ohio Citizens Against Lawsuit Abuse for their dedication and commitment. They are helping elected Federal and State officials address serious issues. I commend their work on behalf of our State.

TRIBUTE TO VIRGIL MURPHY

HON. JAY W. JOHNSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. JOHNSON of Wisconsin. Mr. Speaker, I rise today to pay tribute to Virgil Murphy, an honored leader and public servant from Bowler, WI.

Virgil is currently the president of the Stockbridge-Munsee Band of Mohican Indians in northeast Wisconsin and he is retiring at the age of 77, after a lifetime of service and achievement. He is a stalwart fixture in the community, having held the positions of vice president, tribal treasurer, tribal council member, housing director, and chairman of the Mohican Elderly Steering Committee.

Even in retirement, Virgil will continue to be an honored elder and his advice and leadership will be relied upon for the tribe's future endeavors.

His concern for the tribe's economic well-being and unity is well-known. His devotion for his family is plain to all who know him. His service to his tribe and to his country as a U.S. Army veteran will always be remembered.

Please join me in thanking Virgil Murphy for his years and years of dedication and wishing him the best in the future.

U.S. ARMY RESEARCH LABORATORY ANNOUNCES SCIENCE AND TECHNOLOGY ACADEMIC RECOGNITION SYSTEM [STARS] FELLOWS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. CLAY. Mr. Speaker, recently, Dr. John Lyons, Director, U.S. Army Research Laboratory [ARL] announced the first recipients of ARL's Science and Technology Academic Recognition System [STARS] fellowships for students enrolled in historically black colleges and universities and other minority institutions. I am pleased to congratulate this year's recipients: LaDonna Nettles from Gautier, MS, Makeda Smith from Birmingham, AL, and Theodore Anthony from Baltimore, MD. Both Ms. Nettles and Ms. Smith are students at Xavier University and Mr. Anthony is a student at Morgan State University.

The STARS initiative is designed to increase the number of minority scientists and engineers as we enter the millennium. It provides tuition and expenses for the senior undergraduate year and 2 years of graduate school. STARS awards can total $100,000 each of the 3 years. Information about the program may be obtained by writing: Betty Irby, Senior Analyst of ARL, U.S. Army Research Laboratory, 2800 Power Mill Road, Adelphi, MD 20783, ATTN: AMSRL–SP. I encourage all interested parties to learn more about this valuable program.

THE CREDIT UNION AUDIT IMPROVEMENT ACT

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. McCOLLUM. Mr. Speaker, I rise today in support of legislation, the Credit Union Audit Improvement Act of 1997, I am introducing with my colleague, Mr. BACHUS of Alabama. As Members of this body know, our Nation's insured credit unions are a vital part of our financial services system. Therefore, the accuracy of their financial records is of utmost importance. It is important to the people trusting their money with these institutions, to the regulators doing their job and to the taxpayers who actually ensure these institutions.

It is with this in mind that I introduce the Credit Union Audit Improvement Act. My legislation would do several things. It would amend the Federal Credit Union Act [the act] to require each federally insured Federal and State credit union to: prepare financial statements in accordance with generally accepted accounting principles [GAAP] and to have an independent audit performed by an independent licensed accountant in accordance with generally accepted auditing standards [GAAS]; prepare an annual written assertion about the effectiveness of the credit union's internal controls over financial reporting; obtain a written report—or attestation report—from an independent licensed accountant regarding management's report on internal controls; and prepare an annual written assertion about the credit union's compliance with specified laws and regulations.

Under the legislation, the National Credit Union Administration [NCUA] would be able to exempt smaller credit unions with less than $10 million in assets. The bill would also specifically require credit unions to engage only those external persons who meet applicable state licensing requirements to perform services subject to these requirements.

This legislation is in response to a final ruling by the NCUA on financial audits of credit unions. The final rule, effective December 31, 1996, allows compensated, nonlicensed persons to audit a credit union's financial information and internal controls. This is in direct contravention to most State accountancy statutes, which require auditors to be licensed. Several State boards of accountancy, including the one in my home State of Florida, have written in protest of this rule. Florida State law states that only certified public accountants can attest as an expert in accountancy to the reliability or fairness of presentation of financial information. The NCUA, in response to several States' inquiries, has made clear its intention to preempt these State laws, support a credit

union's right to hire anyone it deems qualified to perform the audit. This seems odd—after all, who is going to be a better judge of who is qualified? A credit union supervisory board made up of volunteers who may or may not have any background in financial statements or the State accountancy boards?

Frankly, Mr. Speaker, I was a bit surprised to learn that the act lacks clear objectives and standards for audits and external auditors. The safety and soundness of untold numbers of credit unions—and therefore their insurance—could be jeopardized if credit union management and regulators do not have a reliable financial picture. Section 115 of the act says only that each Federal credit union's supervisory committee shall make or cause to be made an annual audit. NCUA rules require—in substance, though not in form—an audit of financial statements. But what does not make sense is that the audit does not have to be based on professional auditing standards followed by independent professional auditors.

This makes no sense. I believe that such an audit should be performed only by independent licensed professional public accountants as virtually every State accountancy statute requires. Audits are important to ensure that financial data used by a credit union's members and by Federal and State regulators are reliable as well as to identify potential control weaknesses. But the audit loses its effectiveness when not performed according to the rigors of professional standards by persons who have had to demonstrate their competence and independence in auditing.

Allowing nonlicensed individuals to perform audits poses a direct threat to the public interest by legitimizing work that is inadequate, lacks uniformity, and is void of definitive standards.

Mr. Speaker, I am not alone in believing this. When talking to credit union managers, I was told that many credit unions already have audits performed by licensed professionals. When asked why, the purpose was clear: fiduciary reasons. The supervisory committees have an obligation to their depositors to ensure that the credit union is properly audited since an audit can pick up things that even the most thorough NCUA examination would not. But credit union managers are not alone in their thoughts. The GAO also recommended that credit unions above a minimum size should be required to obtain annual independent certified public accountant audits and to make annual management reports in internal controls and compliance with laws and regulations in a 1991 report. In 1993, the NCUA itself proposed requiring credit unions with more than $50 million in assets to obtain annual independent audits of their financial statements. The NCUA not only cited the 1991 GAO report, but it also said that the requirement was necessary due to the increasing complexity of credit unions' financial statements. This proposal was modified into today's form due to pressure from the industry.

In response to my request for comment on this bill, the NCUA gave several reasons, none satisfactory in my opinion, why unlicensed people should be allowed to perform audits outside of GAAP standards. Among them, it was pointed out that the NCUA would like to preserve the occasional GAAP/RAP differences. RAP standards proved ineffective long ago, most notably in the savings and loan failures. Elimination of RAP standards alone may be a good enough argument for this bill.

The bottom line, Mr. Speaker, is that we cannot allow nonlicensed persons to do external auditing at insured credit unions. After all, what's the point if they do not provide the reliability that one performed by a licensed individual? There is no good reason why we should not ensure that credit union audits are as reliable as possible. I urge my colleagues to support this legislation.

RECOGNIZING IMPORTANT CONTRIBUTIONS MADE BY AMERICANS OF AUSTRIAN HERITAGE

SPEECH OF

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. GILMAN. Mr. Speaker, I want to commend the gentleman from Nebraska [Mr. BEREUTER] for introducing this resolution which pays fitting tribute to our many outstanding citizens who take pride in their Austrian heritage. In order to highlight the very close ties between Austria and this country, Austrian President Dr. Thomas Klestil has taken an initiative through the Austrian-American community to observe Austrian-American Day on September 26, 1997. This is an initiative which I believe we can all support.

This resolution reminds us that we should be thankful for the many contributions made to this country by such great Americans as Joseph Pulitzer, Felix Frankfurter, Arthur Burns, Billy Wilder, and Arnold Schwarzenegger all of whom are of Austrian descent. I should add to this list our distinguished colleague DOUG BEREUTER whose forebears also hailed from Austria.

I urge my colleagues, by way of acknowledging their contributions to America, and offering our thanks and congratulations to our friends and fellow citizens of Austrian heritage, to adopt this measure.

THE PROSTATE CANCER RESEARCH STAMP ACT

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. BROWN of Ohio. Mr. Speaker, today, I am proud to introduce the Prostate Cancer Research Stamp Act. This legislation would authorize a special first class stamp to be priced at up to 8 cents above the cost of normal first-class postage. The additional money from this voluntary purchase would be earmarked for prostate cancer research.

Earlier this year, 422 Members of the House voted for similar legislation to increase funding for breast cancer research by allowing Americans to voluntarily purchase specially issued U.S. postal stamps. My legislation would extend this effort to helping the hundreds of thousands of men who suffer from prostate cancer.

More than 334,000 American men will be diagnosed with prostate cancer in 1997, making it the most commonly diagnosed form of cancer in the United States. More than 41,000 men will die from the disease this year. Despite these staggering statistics, prostate cancer has received a fraction of the resources dedicated to other forms of cancer. The Prostate Cancer Research Stamp Act would support research into the prevention, detection, and early diagnosis of this deadly disease. I hope you will join me in this effort.

TRIBUTE TO FRANK HOLMGREN

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. PAPPAS. Mr. Speaker, fifty-five years ago, we were engaged in a terrible conflict that cost over 250,000 American lives. The service and dedication of our Nation's World War II service men and women laid the cornerstones to the greatness our Nation experiences today.

Today, I would like to call attention to one of the heroic Americans who fought in this war. On Friday, September 26, 1997, the Eatontown Elks Lodge No. 2402 will be holding a testimonial dinner honoring Frank Holmgren at Gibbs Hall at Fort Monmouth, NJ. Mr. Holmgren, retired from the U.S. Navy, is one of two surviving crew members of the U.S.S. *Juneau*, a light cruiser that played an integral part in the war.

The U.S.S. *Juneau* was commissioned on February 14, 1942, under the command of Capt. Lyman K. Swanson. After a valiant effort at the Battle of Santa Cruz, the ship and Mr. Holmgren were then sent to protect transports and cargo vessels at Guadalcanal. After being struck by a torpedo to the port side by enemy aircraft, the U.S.S. *Juneau* and her crew continued to fight enemy planes and Japanese ships at close range. At 1100 hours, November 13, 1942, three torpedoes were fired from a Japanese submarine toward the U.S.S. *Juneau*. She managed to avoid the first two, but the third struck the hull in the same place the first one from the plane did. The U.S.S. *Juneau*, in a terrible explosion, broke in two and sank within 20 seconds. Of 700 heroic crew members, only 10 survived, and 1 of those was Frank Holmgren. I stand here today to honor Frank Holmgren, as well as those who did not escape the U.S.S. *Juneau*, for their unselfish, dauntless courage under fire, for which we are forever grateful.

Mr. Speaker, it is sailors of the U.S.S. *Juneau* and specifically men like Mr. Holmgren that epitomize the endurance and perseverance of the American people. We must never forget the valiant efforts of our wartime veterans and those who have made the supreme sacrifice. Our Nation owes these veterans the greatest degree of gratitude. It is my great privilege to acknowledge Mr. Holmgren and the great service he has made to our country.

CONGRATULATIONS ON THE 77TH ANNIVERSARY OF THE DELAWARE VOLUNTEER FIREMEN'S ASSOCIATION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to the fine work of an outstanding,

dedicated, and caring group of Delawareans: The Delaware Volunteer Fireman's Association. For myself, and on behalf of the citizens of the First State, I would like to thank them for their tireless service.

This weekend in Rehoboth Beach, firefighters from all across Delaware will gather and celebrate their 77 years of outstanding leadership and unselfish devotion to their communities and State. These dedicated men and women train in preventing and fighting fires and perform emergency medical services for our citizens. It is because of this training and commitment that Delaware's volunteer fire and emergency medical services are ranked as one of the best in the country. This type of commitment to public service is uncommon among individuals.

I commend these volunteers for their exemplary record of public and community assistance. They are truly a model for all of us who serve in public life. Their commitment to the cause of volunteer firefighters will find a permanent place in the Delaware volunteer fire service history. As the Delaware Volunteer Fireman's Association and Ladies Auxiliary gather to celebrate its 77th anniversary of leadership and service, I hope they will realize how deeply their efforts are appreciated

IN SUPPORT OF THE EMERGENCY STUDENT LOAN CONSOLIDATION ACT OF 1997

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. GOODLING. Mr. Speaker, I rise today in strong support of the Emergency Student Loan Consolidation Act of 1997. I appreciate the leadership efforts of our colleague from California, Mr. MCKEON, in moving this vital legislation forward. I would also like to recognize the efforts of our colleague from Ohio on this issue, Mr. BOEHNER.

As my committee moves forward with updating and improving the Higher Education Act, our goals are: Making higher education more affordable, simplifying the student aid system, and stressing academic quality.

Today, we are faced with a crisis in the consolidation of direct student loans. Unfortunately, it dramatically points out the difficulties we will face as we try to move our system of financial aid into the 21st century.

For direct loan borrowers, the situation is bleak. Earlier this year, students wishing to consolidate these loans submitted applications only to face lengthy delays in processing. Now students wishing to consolidate these loans are told not to bother, as the Department has shut down the entire processing system.

The Department claims that this action was taken to ensure that its current consolidation customers would receive proper service. However, the Department's direct loan consolidation contractor is currently facing a backlog of 84,000 applications, and as we heard in testimony on the direct loan consolidation process last week, a process which should take 8 to 12 weeks to complete is actually taking 8 to 12 months.

I want to take a moment to look at this. There seems to be a disconnect between the Department's evaluation of their performance and the customer's view of the Department's service. Last week we went back and reviewed the statements made by the Department before Mr. MCKEON'S subcommittee in hearings on the Higher Education Act. The Department referred to itself as the Microsoft and Citibank of higher education. Dr. Longanecker said ''the Direct Loan Program provides a simpler, more automated, and more accountable system to borrowers * * * students have witnessed the development of a level of customer service not previously experienced in financial aid delivery.'' Well, at least one student who testified at our recent hearing described the Department's customer service as ''beset by chronic mistakes which range from incompetence to malfeasance.''

I've also noticed that there appears to be a good deal of time spent finger pointing by the Department. They seem to be looking for others to blame. Blame was being placed by the Department with students and bankers for the problems with loan consolidation. ''A delay by any of these parties in submitting information required for consolidation or erroneous, incomplete, or late information from any one of these parties results in additional time needed to complete the consolidation,'' was one response received from the Department.

Such information problems do not stop those in the private sector. Many banks and Sallie Mae experience these problems as well, yet their financial services and systems expertise allows them to process loan consolidations in a timely fashion. The Department stated three major problems which have caused a huge backlog of consolidation loans: Inherent complexity of student loan consolidation; Higher volume than anticipated; and Transition from one contractor to another.

I agree that the inherent complexity of the student loan program and running a financial program larger than Citibank is tremendously difficult. I have been repeatedly pointing this out since 1991 when direct lending first came under consideration, and it's been my greatest concern with the Federal Government taking on such a huge task, particularly when there are private organizations already doing the job.

For example, I vividly recall pointing out these concerns to my colleagues on the floor of the House in May 1993, as we considered a move to abandon the guaranteed loan program as part of the 1993 budget reconciliation bill. In my floor statement at that time I said:

> I have serious doubts over whether or not the Department of Education can efficiently manage this program. If they fail to run it properly, and all of the evidence suggests the Department will not suddenly develop the administrative finesse that they have lacked for so long, it will be students and schools that will suffer.

Incidentally, while I've been critical of direct lending, I may have given the Department too much credit. I have always felt that it would be easy for the Department to give money out. However, I've been worried that it would be difficult to collect it. Now it appears that giving the money out is proving to be tremendously difficult where consolidation loans are concerned.

Second, it's too late to complain about higher volume than anticipated. The Department from day one has been actively promoting the benefits of direct loan consolidation. They should have anticipated high volume and been able to handle such volume, or they should have refrained from the marketing blitz they conducted.

Last, the transition from one contractor to another is a poor excuse. At the time of the transfer one year ago, the new contractor should have been required to provide its ability to manage the consolidation program before ever receiving the monetary benefits of a Federal contract.

On September 11 there was an article in Education daily related to this problem which I found revealing. It is entitled, ''Student Loan Checks Really Are in the Mail.'' It describes some of the problems the Department has created for the lending community. In this case, Southwest Student Services Corp. received 4,300 loan payoff checks from the Department of Education on one day. Most disturbing is that each check was sent in a single envelop—and some of the checks were reportedly as small as 7 cents. In these cases, the cost of issuing and mailing a check must exceed the value of the check by 5 or 600 percent.

Additionally, I would note a letter from the Student Loan Fund of Idaho Marketing Association. They received 41 checks from the Department. Of that number, only five were accurate payoff amounts. That's an error rate of over 88 percent. Clearly performance is not at a level that is even minimally acceptable. This presents some very major concerns. With the Department sending out tens of thousands of checks, how can we tolerate error rates that are as high as almost 90 percent? How can this program be audited by the Inspector General?

The Inspector General's testimony last week makes clear that most of the fault for the delays and the problems with the financial accuracy of the Department's payment transactions lies with a misplaced reliance on technology. Misplaced confidence seems to pervade the Department's contracting for student aid delivery systems. We need only remember the electronic imaging debacle of 2 years ago when the Department contracted for electronic imaging of the FAFSA. The mistakes made with that contract caused more than 1 million students to be delayed in making their college decisions.

Mr. Speaker, the Department of Education is clearly undergoing a severe crisis in management. These problems are hurting students, former students, and parents. Later in this Congress, the Gentleman from California, Mr. MCKEON and I will undertake a concerted effort to fix those problems. However, in the near term it is absolutely essential that we allow student loan borrowers with direct loans to consolidate those loans and reduce their monthly payments.

The legislation we are introducing today will allow that, and it will accomplish it without any increased costs to the borrower. It will: Allow borrowers with direct loans to consolidate them immediately, rather than having to wait months for the Department and its contractor to sort out their difficulties; Allow students to retain their interest subsidy benefits on all subsidized loans included in the consolidation loan as is currently allowed in the direct loan program but not the FFEL Program; and provide students with the interest rate currently applicable to direct consolidation loans—T-bill+3.1 percent capped at 8.25 percent—the FFEL rate is the weighted average of the

loans consolidated rounded up to the nearest whole percent.

This legislation is revenue neutral and the right thing to do. Incidentally, there are some bureaucrats at the Department of Education, or at the Office of Management and Budget, or at the White House, who will complain about the $25 million cost of this legislation being paid by reducing the mandatory administrative funds for the direct loan program. I would remind them that students are suffering in the program they promoted with these funds, that obviously the money they have for administration has not been wisely spent to date, and that fixing this problem is the right thing to do.

I strongly urge my colleagues to support us in this effort, and to cosponsor the Emergency Student Loan Consolidation Act of 1997.

SISTER HARRIET OF CORTLAND NAMED NATIONAL DISTINGUISHED PRINCIPAL

HON. JAMES. T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. WALSH. Mr. Speaker, today I ask my colleagues to join me in congratulating Sister Harriet L. Hamilton of Cortland, NY, on the occasion of being named one of the National Distinguished Principals for 1997.

Sister Harriet is principal of St. Mary's School in Cortland. She will be honored with the other recipients September 25 and 26 here in Washington at a ceremony sponsored by the nominators, the Private School Recipients Selection Committee.

Other honorees include representatives from each State, the District of Columbia, and the Departments of Defense and State overseas schools.

Sister Harriet is the kind of inspirational, loving educator who wears many hats. She is an administrator, cafeteria monitor, custodian, bookkeeper, medic, and counselor.

She responds nurturingly to students' hugs. On snowy days she is there to take calls from parents who want to know if school will be open. When parents cannot pick up their children at school, Sister Harriet drives them home.

Sister Harriet has a special gift for motivating volunteers. She is an educator, friend, civic leader, and a woman of great faith in God. I applaud the decision to award her this great honor. And I want to publicly state that Sister Harriet is the kind of selfless individual who makes America the great country it is.

FORT SOUTHWEST POINT'S 200TH ANNIVERSARY

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. WAMP. Mr. Speaker, I rise to bring the House's attention to the 200th year celebration of Fort Southwest Point, located in Kingston, TN, on Oct. 5, 1997.

Military activities at Southwest Point began in 1792 with the establishment of a blockhouse post for territorial militia troops under the command of Gen. John Sevier who later became the first Governor of Tennessee. During the 1790's, most of the many settlers traveling to the Nashville area passed Southwest Point, and parties of such travelers were often accompanied along the Cumberland Road by guards supplied from the militia post.

Subsiding hostilities with the Indians contributed to a change in the role played by Southwest Point and by 1797 the militia had been replaced by Federal troops under the command of Lt. Col. Thomas Butler. From this point until the removal period, the Federal troops preserved the peace primarily by preventing illegal settlers on the remaining Cherokee lands. Fort Southwest Point's role in the peaceful coexistence with the Cherokees was enhanced in 1801 when Col. Return Jonathan Meigs was appointed to be military agent for Federal troops in Tennessee and principal agent to the Cherokee Nation.

In 1807 the garrison was removed farther into the Indian territory, and Fort Southwest Point served as a supply depot for other forts until about 1812.

Archeological work at this site began in 1974 when crews from the University of Tennessee began to uncover the site of the original fort. In 1984 a cooperative endeavor between the Department of Conservation and the city of Kingston, owner of the site, continued the investigation, and began to rebuild the fort on its original foundations. Now the fort is open as a museum staffed by city-employed agents and volunteers. Work continues on the research and rebuilding and many historically and militarily oriented events take place there. Currently celebrations are in order for the commemoration of Fort Southwest Point's 200th birthday.

INTRODUCTION OF LEGISLATION

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. KLECZKA. Mr. Speaker, today I am introducing legislation which would adjust the rules for deducting military separation pay amounts from veterans' disability compensation.

The National Defense Authorization Act for fiscal year 1997—Public Law 104–201—reduced the required offset by the amount of Federal income tax withheld from separation pay for payments received after September 30, 1996. My legislation would make the tax withholding provision retroactive to include all payments to those who were separated from the military after December 31, 1993.

This bill would reduce the offset between veterans' disability compensation and certain bonus payments for early retirement received by former members of the military services. It is important that we correct this inequity in the law that unfairly penalizes many of our Nation's veterans' who have served their country honorably.

I urge my colleagues to join me in cosponsoring this legislation.

ABERDEEN, MD, VOTED AN ALL-AMERICAN CITY BY THE NATIONAL CIVIC LEAGUE

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. EHRLICH. Mr. Speaker, it is my great privilege and honor to recognize a quiet town in the Second Congressional District that has been singled out for a tremendous honor.

The town of Aberdeen, MD, is probably best known for two things: being the home town of Cal Ripken, Jr., and the location of Aberdeen Proving Ground—one of the best military installations in the Nation. This summer, Aberdeen received another distinction that will bring it additional notoriety in the future: it was named 1 of 10 ''All-American Cities'' by the National Civic League.

Each year, NCL selects 10 Americans cities for this designation. As you can imagine, the competition for this honor is keen, routinely attracting applications from cities big and small across the United States. In 1997, 150 cities filed applications. Of these, just 30 were selected as finalists. The finalists traveled to Kansas City, MO where they made presentations to a panel of NCL judges.

Aberdeen was selected based upon a number of factors, particularly its innovative programs to help disadvantaged youth. Mayor Chuck Boutin and other Aberdeen city government officials are thrilled to have received this honor. On September 20, I had the honor of visiting Aberdeen and participating in a celebratory breakfast. I know the folks of Aberdeen will be celebrating for months to come, just the way they did when their town's favorite son became the ''Iron Man'' of baseball. I look forward to joining them in their revelry.

Mr. Speaker, every town would like to think of itself as an ''All-American City,'' but only a precious few have earned this designation. Aberdeen is one of them. I hope all of my colleagues will join me in congratulating the good folks of Aberdeen during this special time.

TRIBUTE TO STANLEY M. UMEDA

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. MATSUI. Mr. Speaker, I rise to pay tribute to an outstanding member of the Sacramento community, Mr. Stanley M. Umeda. Today, Mr. Umeda's many friends and colleagues are gathered to commemorate his 40 years of exemplary service to the State of California and the Sacramento County Welfare Department.

A graduate of California State University, Sacramento, Mr. Umeda has forged a long and distinguished career in the fields of social work and mental health. His service in the public sector dates back to 1955, when, as an undergraduate at Sacramento State University, Mr. Umeda worked for the California Department of Motor Vehicles.

Upon completing his education with a master of social work degree in 1966, Mr. Umeda continued his State service as a psychiatric social worker in the California Department of

Social Welfare. In that capacity, Mr. Umeda provided invaluable support and guidance to State hospital convalescent patients and their families.

From 1969 until 1973, Mr. Umeda administered all phases of local mental health services for his assigned region as a Community program analyst with the California State Department of Mental Hygiene. In this role, he designed programs and budgets for a variety of local mental health services.

As the executive secretary of the Conference of Local Health Officers, the Conference of Local Mental Health Directors, and the Citizens Advisory Council from 1973 until 1976, Mr. Umeda worked on the coordination of staff services for these organizations. He also assisted in the formulation of important regulatory changes in the California Administrative Code.

Mr. Umeda's State service continued when he was appointed chief of the Office of Advisory Liaison within the California State Department of Health in 1976. For the next 2 years, he played a key role in coordinating health advice emanating from a wide variety of advisory boards and conferences to the Department of Health. Mr. Umeda fulfilled similar duties within the Department of Mental Health until 1979.

BUDDY ROTHSTEIN TRIBUTE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to a community leader and close personal friend from my district in Pennsylvania, Alvin ''Buddy'' Rothstein. This week, Buddy will be honored by the Ethics Institute of northeastern Pennsylvania, and I am proud to have been asked to participate in this event.

A businessman in the northeastern Pennsylvania community for over 50 years, Buddy graduated from Wharton School of Business at the University of Pennsylvania. Serving in the U.S. Army Air Corps, Buddy was shot down four times during World war II. Following his tour of duty, Buddy returned home to begin a soft drink manufacturing and distributing company in 1945.

His business flourished, and he expanded to the ice cream franchise business covering 31 States, Canada, and Puerto Rico. In 1963, Buddy began Rothstein Inc., a realty company and Rothstein Construction, Inc., a development company, both of which he operates to this day.

Mr. Speaker, Buddy Rothstein's business accomplishments are well known in our area; his community involvement is also to be highly commended. He is extremely active in Rotary International, chairing several important committees and served as president of Wilkes-Barre Rotary from 1988–89.

Buddy also sits on the executive committee of B'nai B'rith Housing for the elderly. Buddy has also been president of the Wilkes-Barre Board of Realtors. He has served the local Jewish community by being involved with several organizations. Along with his service to the Jewish Community, Buddy has also been involved with the Economic Development Council of northeastern Pennsylvania. His love for and dedication to improving the quality of life for the people of northeastern Pennsylvania are evident in everything he does, and we are, indeed, fortunate to have him as a member of our community.

Mr. Speaker, I am pleased to join with the community and the Ethics Institute in honoring my good friend, Mr. Alvin ''Buddy'' Rothstein, and I am extremely proud to bring just a few of his many accomplishments to the attention of my colleagues.

IN RECOGNITION OF MABEL ZIRKLE AND JOHN IRVIN

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. WOLF. Mr. Speaker, there's a special event held every year in the Shenandoah Valley town of Edinburg where friends and neighbors get together to celebrate the good things about living in small town America. And every year the Edinburg Ole Time Festival dedicates its celebration to memorable people from their community.

I want to share with our colleagues an article from the Shenandoah Valley-Herald of September 17 which honors two of Edinburg's finest citizens: the late Mabel Zirkle and the late John Irvin. Mrs. Zirkle and Mr. Irvin both passed away earlier this year, but their legacies live on in the foundations they laid to make their native Edinburg a better place. It is a fitting tribute that the annual Edinburg Ole Time Festival honored their years of dedication to their hometown.

[From the Shenandoah Valley-Herald, Sept. 17, 1997]

FESTIVAL HONORS ZIRKLE, IRVIN FOR DEDICATION TO TOWN

(By Lisa G. Currie)

For the past two years the Edinburg Ole Time Festival has dedicated the annual weekend celebration to memorable people from their community.

Last year, the late Louise Evans and the late Milt Hoffman received the honor.

Evans was a local artist who created the art show which remains part of the festival today. Dedicated to teaching and art for art's sake, Evans is remembered as the beloved and faithful art teacher who offered adult classes for years.

Hoffman was a Woodstock citizen with Edinburg roots. His Edinburg-based Christmas tree farm was one of the first in the county and his ''Jackson Stew'' was a favorite during Edinburg Ole Time Festival events. Hoffman is remembered as the flavor and character of the annual festival.

This year, the committee has selected two long-time and well-loved community members for dedication—the late Mabel Zirkle and the late John Irvin.

Zirkle, selected to be the 1995 grand marshal at age 100, lived in her family home next door to the former Edinburg Middle School.

She watched, listened and participated as a century of events changed Edinburg from a one-horse town to a thriving community adjacent to a major interstate highway.

She was the symbol of small town Edinburg—a familiar face among the people. She taught school at Pine Woods School, a one-room schoolhouse in town at the turn of the century. She was active in her church and concerned about the welfare of her community.

Her daughter Rosemary McDonald said her mother would be very pleased at the honor bestowed in her memory.

She remembers her mother as being very concerned about her Edinburg homeplace, dedicated to making it a better place.

''She would love this,'' said her daughter of the dedication.

McDonald said while her mother would be honored, Zirkle balked at being in the center of attention and was hesitant to step forward—even when she deserved the credit.

Zirkle was born Mabel Stoneburner, the middle child of Rosa Grandstaff and Robert Edward Lee Stoneburner. At one time she was the oldest living native in Edinburg, a town she grew up in and lived as a young adult.

It was the same town she grew old in, enjoying the views from her window as the town continued to change.

She lived to be 101 years old, dying May 26, 1997.

Sharing the honor with Zirkle is John Irvin.

Irvin was a man who helped prepare Edinburg for the next century while paying attention to the past.

President and owner of Irvin Inc., Irvin will long be remembered in Edinburg for his loyalty and perseverance concerning the town.

He was a man with a smile, known to most everyone in the community. He is remembered as one willing to fight for what he wanted.

Irvin was well-versed on local history, enjoying the debate of historical and controversial issues for debate sake. He kept abreast of community issues, always maintaining a smile and working for an outcome which best suited the community.

He helped establish and support the former Edinburg Library. He was instrumental in establishing the Madison District Recreation Authority and the Edinburg park and swimming pool which are in place today.

He played an active role in the development of the town museum and served on both the planning commission and the town council.

An Edinburg native, Irvin is the second son of Mary Grove and the late George Robert Irvin. He grew up in Edinburg, leaving only long enough to obtain an education and serve in the United States Navy. He returned to teach school and work in the family business, where he was later made president.

When he died in April, his funeral drew a crowd unprecedented for the Edinburg community.

''I know he would be proud,'' said his mother Mary Grove Irvin. She was the 1996 Grand Marshal, riding in the parade in a horse drawn carriage.

She said her son loved the festival, always taking time to visit the stands and watch the parade.

''He would have been very honored,'' she said.

TRIBUTE TO SIR JOHN KERR

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Ms. MCCARTHY of Missouri. Mr. Speaker, today, I rise to pay tribute to Sir John Kerr, Her Majesty's Ambassador to the United States, who will be departing soon to assume the post as the new Permanent Under Secretary of State and head of the diplomatic service—the top official at the Foreign and Commonwealth Office.

Sir John's distinguished career in Great Britain's Foreign Service includes representing the British Government in Moscow, Rawalpundi, Brussels, and most recently, in Washington, DC. As the new Permanent Under Secretary of State, he will direct the Foreign and Commonwealth Office in accomplishing its mission ''to promote the national interests of the United Kingdom and to contribute to a strong world community.''

Sir John and his accomplished wife, Lady Elizabeth, have faced many challenges during their tenure in Washington, DC. They have met each challenge with a grace, skill, and diplomacy that few possess. These accomplishments are the reasons for his promotion to even more responsibility not only to the British people, but to the people of the world. I have mixed feelings upon his departure because although I am happy that he is finally able to return home to such a prestigious post, Washington is losing two of their greatest dignitaries with their departure. Please join me in recognizing Sir John's contributions to the relationship between our two nations, and wish he and Lady Elizabeth Godspeed.

TRIBUTE TO AMBASSADOR JASON HU

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. ROHRABACHER. Mr. Speaker, I wish to join many colleagues in paying tribute to Ambassador Jason Hu, who is leaving Washington to return to Taipei. For the last 15 months, Ambassador Hu has very ably served as the Republic of China's representative in Washington. While there have been many issues, both highly significant and pro forma, between Washington and Taipei, Ambassador Hu has played a positive role in reducing differences between our two countries.

Ambassador Hu is a first class diplomat. In his outgoing and warm manner he has helped us greatly in understanding Taiwan as a democratic nation with a strong commitment to a free-market economy. He has also earned the support, confidence, and respect of President Lee Teng-hui, who has given Ambassador Hu a new assignment as the Republic of China's Foreign Minister.

Ambassador Hu's new responsibilities will place him in the forefront of the continuing diplomatic, political, and economic development of Taiwan. Ambassador Hu's experience in Washington will ensure that he will continue to be a trusted friend of the United States and to all nations that maintain official or unofficial ties to Taiwan.

Congratulations, Ambassador Hu. Please convey my best wishes to the people of Taiwan on their forthcoming National Day.

PERSONAL EXPLANATION

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. GOSS. Mr. Speaker, my previous submission to record how I would have voted on rollcall Nos. 403–415, when printed in the Record, did not include my stated position on rollcall Nos. 403 and 404. Had I been present, I would have voted ''nay'' on both 403 and 404.

DEPARTMENTS OF COMMERCE JUSTICE AND STATE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS ACT 1998

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2287) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes:

Mrs. MALONEY of New York. Mr. Chairman, I rise today in support of the Norton amendment.

The ban on Federal funds for abortions for women in prison is one more step in a long line of rollbacks on women's reproductive freedoms.

The Norton amendment seeks to correct one of the more shameful attacks on American women.

Despite clear legal authority establishing the right of American women to choose abortion as a viable health option, many women prisoners are denied equal access to choose whether or not to terminate their pregnancies.

Federal prisoners must rely on the Bureau of Prisons for all for their health care, yet without this amendment women will be prevented from seeking needed reproductive health care.

Prisoners have a constitutional right to health care. Congress should not interfere with this right.

It is too easy to attack women inmates, women who are often poor, uneducated, isolated, and beaten down. Women who are often victims of physical or sexual abuse.

Most women prisoners are poor whey they enter prison, and cannot rely on anyone for financial assistance.

These women already face limited prenatal care, isolation from family and friends, a bleak future, and the certain loss of custody of the infant.

The ban on reproductive health services for women in prison closes off their only opportunity to receive much needed care, it denies them their constitutional rights, but most importantly, it denies them their dignity.

We must stop this assault on women's right to choose. Mr. Chairman, I urge my colleagues to support the Norton amendment.

DEDICATION OF THE LAWRENCE H. COOKE COUNTY COURTHOUSE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. GILMAN. Mr. Speaker, this month the people of Sullivan County, NY, bestowed a deserving honor on a revered man who has selflessly served all of our best interests throughout his life. In renaming the Sullivan County Courthouse after Judge Lawrence H. Cooke, the people of Sullivan County take pride in the accomplishments of its native son. Judge Cooke has nobly exemplified what being a public servant means.

I had the privilege of attending this notable ceremony. Despite being a cold, blustery day, there was a genuine warmth that came from the 600 audience members who participated in honoring their esteemed colleague, friend, and neighbor, including: Congressman HINCHEY, State assemblyman Jake Gunther, Monticello mayor Jim Kenny, Sullivan County legislators Robert Kunis and Rodney Gaebel, Albany Law School professor Vincent Bonaventure, Sullivan County historian Joan Conway, and the Reverends Robert H. Pinto and Robert Ginel. Among the distinguished members of the judiciary who were present included: New York State Court of Appeals Chief Justice Honorable Judith Kaye, Supreme Court Judges William Richardson (Hawaii) and Anthony Kane (Sullivan County).

The generous ovations bestowed upon Judge Cooke, truly symbolized how important, valued, and beloved a public figure he has become over the years.

In meritoriously serving the people of Sullivan County and New York State, Judge Cooke built a legacy of compassion and concern. The extent of his outstanding judicial career is a tribute in itself to Judge Cooke's outstanding legal, philosophical, and ethical character. Starting his public career as a town supervisor, Judge Cooke was subsequently elected to the county court and thereafter was elected to the Supreme Court, and the appellate division, and finally was selected chief judge of the Court of Appeals of New York State—the highest judicial position in New York State. Judge Cooke duly deserves the honors and accolades given by the people of his beloved Sullivan County.

Andrew Jackson said in 1796: ''I am of the opinion that a good judiciary lends much to the dignity of a state and the happiness of the people.'' Two centuries later, Judge Lawrence H. Cooke personifies what Andrew Jackson proclaimed.

I am honored to have known and worked with Judge Cooke and I was pleased to have joined in with the people of Sullivan County and from throughout the State in celebrating the career of this great public servant.

As Judge Cooke stated: ''While the name of the courthouse has changed its title, its purpose in serving the people remains the same.'' It is a place of justice, and, as Daniel Webster proclaimed, justice ''is the ligament which holds civilized beings and civilized nations together.''

I ask my colleagues to join me in saluting Judge Lawrence H. Cooke, and in wishing him and his wife, Alice Cooke, good health and happiness in retirement.

HONORING JOE R. REEDER

HON. THOMAS M. DAVIS

OF VIRGINIA

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. DAVIS of Virginia. Mr. Speaker, my colleague, Mr. MORAN of Virginia, and I rise today to pay tribute to Mr. Joe R. Reeder who is retiring as the 14th Under Secretary of the Army.

Joe has long served his country and been involved in public affairs. A native of Washington State who has lived in the metro area for the past 20 years, Joe calls himself a transplanted Texan from his time spent in school there.

Joe married the former Katharine Boyce in 1983. Katharine is also an attorney. Together, they have raised four wonderful daughters. They currently live in Alexandria.

After graduating from West Point in 1970, Joe completed training at the Airborne, Ranger and Artillery basic school. Joe then served in the 82nd Airborne Division until he entered law school in 1972. At that time, he relocated to his beloved Texas to attend the University of Texas where he earned his juris doctorate degree while working as a prosecutor at Fort Sam Houston, TX.

Joe completed a 1-year Federal clerkship before moving to Washington, DC. When Joe came to the Nation's Capitol, he returned to school and earned his master of laws from Georgetown University. He also continued his work for the military by serving as a trial attorney in the Army's Litigation Division. This position required that he represent the Department of Defense in Federal court actions pending throughout the United States. He was soon promoted, and moved to the Army's Contract Appeals Division where he represented the Department of Defense in a wide range of Government contract-related litigation.

Joe left the Department of Defense in 1979 when he moved to the Washington, DC based law firm of Patton, Boggs, & Blow. By 1983, he had made partner at this distinguished firm and was widely respected by his colleagues for his knowledge of complex commercial litigation including litigation involving Government contracting law and legal ethics.

In 1993, Joe was sworn in as the Under Secretary of the Army. He is the principal civilian assistant and Deputy to the Secretary of the Army. Joe acts with the full authority of the Secretary in general management of the Army. He is responsible for the long-range planning, material requirements, readiness, acquisition reform, infrastructure reduction, and financial management. Joe has spent the past 4 years preparing our Army for the 21st century and helping to shape its continued international leadership role. He serves as one of the Army's top officials for international affairs and has worked tirelessly on issues involving NATO and Panama. In that capacity, Joe has served as the Chairman of the Panama Canal Commission's Board of Directors. In addition, he oversees the military support to local, State, and Federal agencies related to civilian law enforcement, civil disturbance, disaster relief, and emergency planning. Joe has managed these many tasks during his tenure with ceaseless energy and an innovative style.

Mr. Speaker, we know our colleagues join us in honoring and thanking the Honorable Joe Reeder for his devotion to the U.S. Army. We appreciate all the hard work he has done in preparing our Army for the next century. Joe's vision and spirit are truly remarkable.

A TRIBUTE TO THE WEST VALLEY SOCCER LEAGUE

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to commend the West Valley Soccer League and its president, Mitchell Hyams for contributions in promoting youth soccer. In recognition of 25 years of community service by parents and friends dedicated to youth soccer and the development of children from varied backgrounds and athletic abilities it is a great honor to rise in behalf of all of those involved in youth soccer.

The West Valley Soccer League improves the education of our volunteer coaches, referees, and administrators in the areas of child development, human behavior, sports psychology, ethics, and sportsmanship. All of this training with our volunteers and athletes leads to a healthy competitive atmosphere for youth soccer players and increases concern for the development of caring, responsible citizens for our community and our country.

Finally, the success of the West Valley Soccer League would not be possible without its wonderful volunteers and the leadership of Mitchell Hyams. I commend the patience and dedication of all of those who are involved as players, coaches, referees, and spectators.

Mr. Speaker, I ask you and my distinguished colleagues to join me in recognizing the contributions the West Valley Soccer League has made to our community. The West Valley Soccer League serves as an example for other youth soccer leagues across our Nation.

THE MEDICARE HOSPITAL OUTPATIENT PAYMENT FAIRNESS ACT OF 1997 AND THE HOSPITAL OUTPATIENT DEPARTMENT TRUTH-IN-ADVERTISING ACT OF 1997

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. STARK. Mr. Speaker, I am pleased to introduce two bills today. The first would modernize Medicare's payment policy for ambulatory care by the year 2000. The second would immediately stop hospitals from egregiously gaming the current, outdated policy.

Medicare pays more for ambulatory care provided in a Hospital Outpatient Department [HOPD] than it does for the same care provided in a doctor's office or freestanding ancillary facility. This means that the same medical personnel for the same patients are reimbursed differently based on the name on the door of a clinic that provides ambulatory care. If a hospital owns a clinic, it can call it a HOPD and charge Medicare and its beneficiaries more, no matter where the clinic is actually located.

Hospitals are purchasing, leasing, and building doctors' offices and ancillary facilities in farflung locations. They are changing the names on the doors to HOPD to take advantage of Medicare's more generous payment rates. Meanwhile, they are pushing out independent competitors who cost less and provide the same services.

Most importantly, beneficiaries pay more, because their copayments are based on what the hospital charges, and not on the amount Medicare ultimately determines is a fair cost. The Balanced Budget Act takes over 20 years to fix this overcharge, so beneficiaries pay much more than the normal 20 percent copayment for HOPD costs.

Under current law, a hospital might purchase a physician group practice located 5 miles away from its campus. Before the purchase, services to Medicare beneficiaries were billed as physician office visits and paid according to a fee schedule. Now, the hospital labels the same services, in the same office, by the same physicians, as HOPD visits. It bills Medicare for the fee schedule amount the independent physicians used to get. But in addition, it bills Medicare for hospital overhead costs. Beneficiaries also get bigger bills than before. And, there is one less independent physician practice to compete with the hospital by offering lower-cost services.

There are a thousand variations on the theme: chemotherapy clinics, radiology clinics in towns without any hospitals, and new clinics next to retirement homes. You name it—hospitals are acquiring or building whatever freestanding facilities they can and inappropriately labeling them HOPD's. They are driving out the healthy competition and profiting by overcharging Medicare and its beneficiaries.

Medicare and its beneficiaries should not pay more for the same services just because they are called something different. The Medicare Hospital Outpatient Payment Fairness Act of 1997 would limit Medicare payments for HOPD services to the amount that Medicare would pay for those services if they were provided in a freestanding clinic or ancillary facility that was not labeled a ''Hospital Outpatient.'' The hospital would receive no additional Medicare payment for overhead costs, and it would not be allowed to charge beneficiaries more than 20 percent of its Medicare reimbursement. In order to give hospitals time to prepare for this change, these provisions would not take effect until January 1, 2000.

Hospitals are shifting costs for inpatient and emergency care onto outpatient care. While Medicare reimbursement rates are sufficient to cover hospital costs in most cases, they may not be sufficient to cover costs for emergent care. Since the first bill I am introducing today would prevent hospitals from shifting emergent care costs to the outpatient side, it would also ensure that hospitals are reimbursed sufficiently to cover these emergency services. Specifically, the bill would require that MedPAC report to Congress by January 1, 1999, on whether the payments made for emergency room [ER] cases are adequate to cover the costs of ER use by Medicare patients, and that the Secretary adjust payments to ensure that hospital ER costs of Medicare patients are appropriately covered by January 1, 2000.

While giving hospitals time to prepare for a completely overhauled payment policy may be prudent, we should not allow them to continue abusing the current policy. The second bill I am introducing today, the Hospital Outpatient Department Truth-in-Advertising Act of 1997, would reduce hospitals' incentives to build, purchase, and lease freestanding clinics. Specifically, it would define as HOPD's only those facilities that are located on the same campus as an inpatient, acute-care hospital. Facilities reimbursed as HOPD's on or before September 25, 1997, would be exempted.

I urge my fellow Members of Congress to join with me in passing these crucial pieces of legislation. Together, we can modernize Medicare payment policy, lower our constituents' health care costs, keep healthy competition alive, and show the Nation that we will not tolerate abuse and waste of Medicare tax dollars.

THE IRISH POTATO FAMINE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. LIPINSKI. Mr. Speaker, today I am introducing a resolution that honors the victims of the Great Irish Potato Famine, honors the millions of brave emigrants who rose from the tragedy of the famine to make profound contribution to America, and encourages the British and Irish Governments to make a renewed effort for peace in Northern Ireland.

This year is the 150th anniversary of the worst year of the Great Irish Potato Famine, which began in 1845 and continued to 1850. Massive poverty, disease, and starvation plagued hundreds of thousands throughout Ireland. Even today, 1847 is still known to all people of Irish descent as Black 47.

By the end of the famine, an estimated 1.5 million people had died of starvation or disease. Millions more risked their lives on ''coffin ships'' to seek a new life in America. These brave emigrants paved the way for the millions of Irish-American descendants today.

Recently, a new British Parliament, led by Tony Blair, and a new Irish Government, led by Bertie Ahern, have been elected to office. Also, Prime Minister Blair expressed regret about Britain's role in the famine. With the healing of old scars and the promise of the new administrations, Ireland has a new opportunity for peace and prosperity. The people of Ireland deserve a future free from violence, religious hate, or famine.

Mr. Speaker, the American descendants of those brave emigrants have made tremendous contributions to our society and to the American way of life. Irish-Americans have worked hard to become police officers, fire fighters, teachers, doctors, and even Members of Congress. I strongly urge my colleagues to support this important resolution.

FARMERS AGREE: TIERED PRICING PROMOTES WATER CONSERVATION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. MILLER of California. Mr. Speaker, as the author of the Central Valley Project Improvement Act of 1992 [CVPIA] that modernized the purposes and operations of one of the largest water projects in the United States, I was delighted to read recently that some of those who have most vociferously opposed passage and implementation of that landmark law are coming around to the side of reform.

The objective of the law was to bring the Central Valley project into the modern age—when the massive subsidies, unlimited contracts, and indifference to environmental and fishery destruction that long characterized the CVP's operations were rejected in favor of managing the project in a more financially and environmentally responsible manner.

One of the key devices in that law is the use of tiered pricing in new water contracts to encourage the most efficient use of water resources. In the past, the CVP has provided millions of acre feet of water to irrigators at enormously subsidized prices—often to grow marginal or surplus crops on low-quality, high-polluting land. Indeed, some irrigators continue to launch litigative and legislative efforts to overturn the law so they can continue to enjoy these multibillion dollar subsidies at the expense of the taxpayers.

Tiered pricing charges users progressively higher—while still subsidized—prices based on the amount of water they use in order to encourage efficient use and minimize runoff that can contaminate groundwater, rivers, and streams. Irrigators denounced tiered pricing as unfair and predicted it would not work.

How gratifying it is then, to read the ''Summary of Grassland Basin Drainers' Drainage Reduction Activities'' for August 28, 1997, in which we learn that, within their own districts, many of these very same farmers have turned to tiered pricing—to achieve the same objectives as the CVPIA.

Most water districts in the drainage area have implemented tiered water pricing to encourage farmers to manage water deliveries carefully and to reduce drainage water volume and selenium load. Several districts have targeted drain water reduction, specifically, by implementing a separate tiered pricing structure for preirrigation.

The report then details some of the specific programs in the San Joaquin Valley drainage area which receives substantial CVP deliveries out of the Delta, and concludes as follows:

''All of these programs have encouraged farmers to select efficient water management practices that reduce surface and subsurface drain water in the 1997 crop year.''

I am personally gratified, Mr. Speaker, to learn that the irrigators themselves have come to accept the beneficial value of tiered pricing, and I look forward to their joining us in our ongoing efforts to implement other provisions of the CVPIA.

HONORING SISTER JOANNE FEDEWA

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. KILDEE. Mr. Speaker, I rise today to urge my colleagues in the U.S. House of Representatives to join me in paying tribute to an outstanding humanitarian, Sister Joanne Fedewa. On October 5, 1997, Sister Joanne will be honored for her 50 years of dedicated service to God, the Catholic Church, and her community.

As a member of the Sisters of the Living Word, Sister Joanne obtained the foundation that led to her work as an educator, administrator, and spiritual advisor. For 30 years, Sister Joanne taught or served as principal at Catholic schools in Minnesota, Illinois, Louisiana, Arkansas, and Michigan. Sister Joanne spent much of her teaching career in predominately African-American communities. I know that she considers the establishment of a Catholic school in an African-American parish in Little Rock, AR, to be one of her finest achievements. Through teaching, Sister Joanne inspired thousands of children to further their education. More importantly she instilled in them the importance of faith and the joy of God's love.

In 1989, Sister Joanne was appointed pastoral coordinator of Christ the King Parish. In this capacity, Sister Joanne founded the Rite of Christian Initiation of Adults Program, programs for eucharistic ministers, and other parish education and sacramental programs. She collaborated with the ministers of service in developing a program for underprivileged youth in Flint.

In addition to her duties as pastoral coordinator, Sister Joanne serves on the Flint Catholic Urban Ministry Board which oversees ministry of the Dukette Intercultural Center in its mission to sponsor events in Flint's core city Catholic parishes. As a leader in the civil rights movement, Sister Joanne is widely credited with bringing to our attention the significant contributions of African-Americans to the Catholic Church.

As an advocate for those most vulnerable in our society, Sister Joanne regularly visits the homebound, hospitals, jails, and nursing homes. As busy as she is, Sister Joanne always has time for the parishioners of Christ the King Parish, encouraging them to use their gifts to serve others. Her tireless work on parish committees and in the day to day administration of the parish is appreciated by all. For those who cite a shortage of time, Sister Joanne serves as a remarkable role model.

Mr. Speaker, it is indeed an honor and a privilege for me to pay tribute to Sister Joanne Fedewa. She has served our Lord and our community with the greatest devotion and is deserving of our praise. This occasion provides me the opportunity to express my deepest gratitude to Sister Joanne. I know that I am a better person for having known her, and Flint is certainly a better place because of her presence.

TRIBUTE TO TEMPLE ADAT ELOHIM

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to celebrate the dedication of Temple Adat Elohim's new sanctuary and social hall. The people of this congregation have endured many sacrifices to make the construction of these new buildings possible. It is because of this congregation's overwhelming dedication to serving the Reformed Jewish community in the Conego that I am here today to extend my congratulations and express my gratitude for a job well done.

The history of the founding of Temple Adat Elohim begins in the spring of 1967. Several families tired of the long and laborious drive to Ventura to worship with Reformed congregation and attend Hebrew School. On August 22, 1967, 16 families formed the congregation at Temple Adat Elohim. Since that time, many more Conego families have joined the struggle to make the dream of a new sanctuary and social hall a reality.

By the early 1980's, the congregation had grown in size and the construction of a new sanctuary was no longer a desire, but a necessity. Instead, the congregation made a difficult decision and sacrificed their comfort for the safety of the children. They built the children a new school building. The new sanctuary would unfortunately have to wait.

Today, we come together to celebrate and honor those families who have endured both spiritually and financially for the benefit of Jewish people in the Conejo Valley. The new sanctuary and social hall accommodates more than 800 people and allows the congregation at Temple Adat Elohim to truly worship together.

This new sanctuary and social hall would not have been possible without the support and dedication of Temple Adat Elohim's Rabbi Alan Greenbaum and president Sandy Bistrow. I call upon this congregation and fellow members of our community to thank them for their efforts.

Theodor Herzl once said ''If you will it, it is no dream.'' The construction of this new sanctuary would not have been possible without the strong will of their congregation. Mr. Speaker, distinguished colleagues, please join me in celebrating the dedication of Temple Adat Elohim's new sanctuary and honoring them for their hard work and sacrifice.

ON THE INTRODUCTION OF THE ABANDONED AND DERELICT VESSEL REMOVAL ACT OF 1997

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. STARK. Mr. Speaker, today I am introducing the Abandoned and Derelict Vessel Removal Act of 1997. This act will provide the necessary tools to clean up a long-term public nuisance resulting from abandoned boats and barges found in the navigable waters of many communities.

Dozens of abandoned boats and other debris have accumulated along the Guadalupe Channel, which surrounds the community of Alviso, CA. This concern was first brought to my attention by members of the San Jose City Council, the Alviso Master Plan Task Force, and members of the Alviso community. These abandoned vessels are a public health and safety hazard to the community and to users in the adjacent public waterways. Unfortunately, Alviso is not the only community that suffers from this problem.

Abandoned vessels do not just sit harmlessly by—these vessels are often used as an illegal dumping ground for hazardous materials. Between January 1988 and September 1991, the Federal Government spent $5.2 million to remove 282 abandoned vessels that blocked waterways. In that same time, Government spent nearly $5.7 million to clean up pollutants from just 96 abandoned vessels.

This legislation will establish clear authority to remove vessels left unattended in a public waterway for more than 45 days unless the waterway has been designated as a harbor or marina. Vessels left unattended in an approved harbor or marina for more than 60 days would also be subject to removal.

This legislation empowers local authorities to keep public waterways clear while allowing boat or barge owners the opportunity to repair and remove vessels that are not actually abandoned. In addition, the removal of these derelict vessels will alleviate some concerns regarding water quality and its impact on the public health of the local community.

This legislation will promote cooperation between interested local citizens, community groups, and government agencies in their joint efforts to preserve and protect the navigable waters of the United States. It will hold boat owners accountable for their vessels. Under this bill, a community can instigate action by petitioning a local elected official to notify the Secretary of the Army. Proceedings to notify the boat owner, and ultimately to remove the boat, would then be taken by the Secretary.

Many States and local governments are proposing solutions to the problem of abandoned and derelict vessels. This legislation will not supersede local initiatives with equal or greater cleanup impact.

I urge my colleagues to support this legislation.

HONORING THE BRAGG FAMILY

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. RILEY. Mr. Speaker, years ago, in a little place called Possum Trot, AL, an amazing mother named Margaret Marie Bundrum Bragg protected her three sons. She guarded them selflessly against an alcoholic father's drunken rage; she shielded them from the hunger and poverty that often accompanies rural life; and she gave each of them the values of compassion, sensitivity, and self-esteem. She taught them that where they were did not determine where they could go.

Her middle child, Rick Bragg, has proven her right. After only a semester of college, this native of Alabama's Third District went to work at the New York Times. In 1996, he won the highest honor that can be bestowed on a journalist—the Pulitzer Prize for feature writing. Recently, Mr. Bragg wrote an autobiographical novel titled, ''It's All Over But the Shoutin' '', about his life growing up in rural Alabama. This book is already being praised by critics across the Nation and will likely become another jewel in Rick Bragg's literary crown.

And while I do not wish, and would never want, to take anything away from this great Alabama writer, it is his mother, Margaret Bragg, who I seek to exalt today. It has been said that the hand that rocks the cradle rules the world. I think anyone who knows of the Bragg family would agree. For it is these mothers and fathers, these unsung heroes behind our greatest leaders, poets, authors, and athletes, that should be commended. It is they who sacrifice for their children, teach their children, and love their children. And, in so doing, mold this country's future. If not for them and their influence, America would not be the proud and gifted nation she is today. And I think Rick Bragg would agree.

TWO SHINING EXAMPLES

HON. DONNA M. CHRISTIAN-GREEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Ms. CHRISTIAN-GREEN. Mr. Speaker, I rise today to commend Tatiana Naboa and Alexander Prince, two young citizens of the District of Columbia, who voluntarily offered their services to my office, through my colleague Representative ELEANOR HOLMES NORTON's internship program.

They chose to turn a negative situation into a positive fulfilling experience for themselves as well as my Washington staff. They carried out all tasks assigned to them and were always ready to assist in any way they could.

Tatiana and Alex are products of the much-maligned D.C. school system. Obviously, there are some things wrong, but there are a lot of good things happening to our children when they attend the public schools in the District. From my experience with Tatiana and Alex, I know my colleagues who participated in the internship program, can support me when I say that the students were respectful, knowledgeable, and inquisitive. This can only come through the school's reinforcement of values instilled by their families.

As we go about the daily business of instituting laws for our fellow Americans, we must continue to provide opportunities for our younger Americans. We must give them a reason to accept the challenges they will face, make it meaningful, and guide them to become productive members of our society. Tatiana and Alex are shining examples of what is possible.

My staff join me in wishing these two outstanding D.C. students continued success in the future.

INTRODUCTION OF LEGISLATION

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. FILNER. Mr. Speaker and colleagues, I rise today in support of legislation to attack

one of the most critical problems facing the residents of San Diego County and California—illegal immigration.

My Eliminating the Magnet for Illegal Immigration Act gets at the root of the problem. It will stop people from trying to cross the border in the first place by removing the attraction—jobs offered by unscrupulous employers that entice people to come to the United States.

My bill finally clamps down on employers that encourage illegal immigration by violating our laws and knowingly hiring undocumented workers.

In San Diego, I represent the district that runs along the border and has the most border crossings—both legal and illegal—in the world. I am acutely aware of the strain illegal immigration puts on communities in my district, and I have always been a firm believer in gaining control of our borders.

In the last 2 years, we have made significant progress. We have increased the number of Border Patrol agents and have begun to give them the tools and technology to get the job done.

But these changes have had limited success in stopping illegal immigration. The critical next step in the fight to stop illegal immigration is to eliminate the magnet and enforce our laws against the hiring of illegal immigrants.

In 1986, Congress underscored the need to eliminate the job magnet and made it illegal to hire undocumented workers—but these laws have been largely ignored. The INS simply has not had the resources to do its job.

Some employers hire undocumented workers because their status makes them easy targets for exploitation and abuse. These employers know they can force them to work in substandard conditions. These employers know they can get away with paying them substandard wages. Is it any wonder that we have this problem.

My legislation gives the INS the resources it needs to aggressively enforce employer sanctions and gives the Department of Labor the resources to aggressively enforce wage and hour laws.

And most importantly, it directs the two agencies to combine forces and target those industries notorious for hiring undocumented workers and forcing them to work in unacceptable conditions.

My bill gets tough on employers who knowingly hire undocumented workers by imposing stronger sanctions and doubling those penalties against employers also caught violating labor laws. It also helps employers by reducing the number of documents workers can use to verify their eligibility.

I want to fully acknowledge that there is an inherent danger that this kind of approach could lead to discrimination against workers—and evidence shows that this has indeed been the case in some instances. Thus my bill will also stiffen the penalties against employers that discriminate and give the Department of Justice the resources it needs to thoroughly investigate incidents of discrimination. We will also provide programs to educate employers about their responsibilities in this area.

My bill takes a balanced, comprehensive approach to the problems created by illegal immigration. As a border Congressman, I am well aware of both the positive and the negative effects of immigration.

And I promised myself, and the people that I represent, that we would deal with the negative impacts without retreating from the values that have made this the greatest country in the world. I challenge Congress to get past the scapegoating that has become so politically profitable.

I urge my colleagues on both sides of the aisle to support this critically important initiative and show your commitment to truly stem the illegal immigration that affects so many of our communities. I ask you to join me and cosponsor the Eliminate the Magnet for Illegal Immigration Act of 1997.

TRIBUTE TO PEPPERDINE UNIVERSITY

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. SHERMAN. Mr. Speaker, I rise before you today to acknowledge the students, faculty and administration at Pepperdine University. This university was recently commended by the John Templeton Foundation in the 1997–1998 Honor Roll for Character Building Colleges.

A panel of six distinguished individuals from various backgrounds evaluated colleges and universities across the country. They used five criteria to determine if the colleges were providing students not only with an environment which allowed them to develop a strong sense of morality and grow spiritually, but also provided students with an opportunity to give back to their community. To be considered for a place on the honor roll, colleges must inspire students to develop and strengthen their moral and reasoning skills, encourage spiritual growth and moral values, provide community building experiences, advocate a drug-free lifestyle and conduct a critical assessment of character-building projects and activities.

The faculty at Pepperdine University have worked to establish an environment which allows students to reflect on ethical questions and develop their own sense of morality. Christian tradition plays a central role in the students' lives and they are provided with opportunities to attend services, bible studies and lectures given by theologians from the evangelical world. Additionally, students lead and manage community outreach programs, such as tutoring at a youth correctional facility as well as other special events.

Leon Blum once wrote, ''Life does not give itself to one who tries to keep all its advantages at once. I have often thought morality may perhaps consist solely in the courage of making a choice.'' Students at Pepperdine University have made a choice that they are willing to make a difference in our community. In making this choice the students have made the welfare of others their top priority.

Mr. Speaker, distinguished colleagues, please join me honoring the students and faculty at this exceptional institution for their integrity of character and commitment to improving the circumstances of those less fortunate in our community.

IN RECOGNITION OF MS. JUDY FLUM'S LITERACY EFFORTS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. STARK. Mr. Speaker, I rise today to acknowledge Ms. Judy Flum, an individual who has provided 10 years of superior service to the San Lorenzo Library. Ms. Flum has consistently provided support for the youth in our community by encouraging them to use the library's resources. She also conducts programs throughout the year such as the summer reading game, pre-school storytime, young adult advisory group, and many programs for senior citizens.

Judy has been instrumental in bringing several grants to the San Lorenzo Library. The youth risk grant helped the library become better acquainted with the needs of young people and created a safe environment in which they can learn, study, and grow. The Spanish grant increased the size of the Library's Spanish collection and created a community outreach program for Spanish-speaking families. The learn-a-lot program was developed in conjunction with the San Lorenzo Unified School District to help children between the grades of kindergarten through fourth grade increase their reading potential. Without a doubt, Judy has been a remarkable asset to the growth of the San Lorenzo Library.

As a member of the American Library Association, Judy has served on many of its committees dealing with young adults. Her interest in technology has ensured our youth will be better prepared for the challenges of the 21st century. As the library manager, she has worked tirelessly to establish a training program to teach people how to use the Internet. She was also responsible for establishing an Alameda County Library homepage.

On September 25, 1997, the friends of the San Lorenzo Library will honor Judy for her many years of service. I join with my neighbors as they thank Judy Flum for her valuable contributions to our community.

THE DEPENDENT CARE TAX CREDIT REFUNDABILITY ACT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mrs. MORELLA. Mr. Speaker, quality child care is critically important to working families in every economic situation. Yet many working parents today simply cannot afford to pay the increasing costs of child care. Furthermore, affordable child care is critical to the success of moving women from welfare to work.

In the last Congress, I introduced legislation, H.R. 4154, to make the Dependent Care Tax Credit [DCTC] refundable. This bill was included in the Women's Caucus Economic Equity Act.

Today, along with Congressman TOM ALLEN, I am introducing an updated version of the same legislation. This legislation would help working families obtain high quality care. A major source of Federal support for families who rely on child care and dependent care is

the Dependent Care Tax Credit. This tax credit is available on a sliding scale basis to taxpayers incurring expenses relating to the care of a child under age 13, a disabled spouse, or any qualifying dependent, many of whom are cared for by family caregivers.

Unfortunately, the tax does little for the working poor, many of whom are women working outside the home who are responsible for dependent family members but who do not make enough to pay taxes. Because the tax credit is not refundable, workers who owe little or no taxes do not receive the amount for which they would otherwise be eligible. This legislation would expand the current Dependent Care Tax Credit to offer increased benefits for lower and middle-income families, as well as make it refundable to low-income families who owe little or no income tax and would normally be unable to benefit from a tax credit.

The Dependent Care Tax Credit is also critically important to those who provide respite care for ill or disabled dependents. Such care is very expensive, and making the DCTC refundable would help caregivers provide for their dependents. I urge my colleagues to join me in forwarding this important legislation.

IRS ABUSES MUST STOP

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. PACKARD. Mr. Speaker, I am appalled by the severity of abuses by agents of the Internal Revenue Service toward American taxpayers. The discovery of these abuses on American taxpayers proves, once and for all, that we need to shut down the intrusive IRS.

Yesterday I joined Congressman BILL PAXON, JOE SCABOROUGH, and Senator SAM BROWNBACK in calling for the end of the IRS because it has become too large and burdensome on the American taxpayer. Extensive abuses are being overlooked and the high standards that are expected from this Government agency are routinely not being met.

Yesterday, the Senate Finance Committee kicked off 3 days of hearings investigating IRS practices and procedures. Two witnesses that testified were taxpayers from California who vividly described their nightmare involvement with the IRS. They characterized their dealings with the IRS as abusive, terrifying, manipulative, and intimidating. Other panelists, including two former IRS employees that worked in California district offices, described the pressures that they were under from superiors to harass taxpayers and extort taxes and fines.

These hearings continue to expose the abuses leveled against average Americans by the IRS. Taxpayers do not want a Government that will harass and obstruct them. American taxpayers deserve a Government that will serve them. These hearings have illustrated that the IRS is too burdensome on the American people. It is crucial that we take this power out of the hands of the Washington bureaucrats and send it back to the taxpayer, where it belongs.

Mr. Speaker, the American people will not be satisfied until the IRS is dismantled and disarmed. I urge my colleagues to examine the reports of IRS abuse and take action. It is not unreasonable for citizens to demand a Government that is respectful of the people it serves.

TRIBUTE TO THE HONORABLE LAGRIMAS LEON GUERRERO UNTALAN

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. UNDERWOOD. Mr. Speaker, it is with deep regret and sympathy that I announce the passing of Mrs. Lagrimas Leon Guerrero Untalan. Mrs. Untalan was a longtime educator and former Guam Senator. She passed away in Honolulu, HI, this past Sunday, September 21, at the age of 86.

Mrs. Untalan started her career in education immediately upon her graduation from high school. At the time, Mrs. Untalan was one of several young and motivated individuals that began their professional careers as educators in the public school system of Guam, both before and after World War II. These educators became the main source of intellectual stimulation that was infused into the Government of Guam. Mrs. Untalan participated significantly and contributed in the development of our young government, and she brought with her a much-needed sense of respect and analytical thought.

Perhaps one of the greatest contributions she made in our political development was the mold she broke in getting elected to the 3d Guam Legislature. Both she and former Senator Cynthia Johnston Torres, were the first women elected to the Guam Legislature and became Guam's first female lawmakers. Although women were elected to the Guam Congress, the predecessor of the Guam Legislature, the Guam Congress did not have the authority to make or pass laws.

Distinguished and celebrated as a bilingual educator, Mrs. Untalan was the translator of ''Stand Ye Guamanian'' better known as the Guam hymn. She translated the song into our Chamorro language and from then on, ''Fanohge Chamorro'' became the preferred version of the hymn. She was tireless in her quest to advance the teaching of the Chamorro language in the Guam schools and her innovation as an educator had a significant impact on my own commitment to the Chamorro language. Even after her retirement from the Department of Education in the mid-1970's, Mrs. Untalan continued her work in the community.

A pre-war resident of our capital of Hågatña, Mrs. Untalan then became a longtime resident of Barrigada where she volunteered at San Vicente Church. She was an integral part of that community and her commitment will be missed.

On a personal note, I worked with Mrs. Untalan in the Guam Bilingual Bicultural Education Project in the early 1970's. I was a curriculum writer who was unsure of my Chamorro writing skills and who had recently returned to Guam after college in the United States. She was a skilled and sensitive reviewer of the work which I submitted. Her encouragement, acceptance, and gentle correction of my elementary efforts contributed to my personal growth.

She was wonderful educator whose contributions to her homeland will be remembered every time we sing ''Fanohge Chamorro.'' Her brilliance will continue to shine in the voices of our school children throughout Guam's schools every day.

Mrs. Untalan now joins her distinguished husband in eternal rest—Tun Luis Untalan. My condolences to here children, grandchildren, relatives, and friends. The people of Guam have lost a beloved leader, an educational pioneer, and most especially, a true Guam legend.

Si You'os ma'ase' Tal Lagrimas Pakitu put todu I che'cho'-mu para I minaolek I tano'-ta.

THE EQUAL SURETY BOND OPPORTUNITY ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Ms. NORTON. Mr. Speaker, today I am pleased to introduce the Equal Surety Bond Opportunity Act [ESBOA]. The ESBOA will help qualified women and minority-owned businesses to compete in the contracting business by helping them obtain adequate surety bonding. In addition, the ESBOA is directed against barriers that many qualified small and emerging construction firms encounter in obtaining surety bonding. I have introduced this bill before. I do so again because it is a commonsense way to eliminate a serious form of discrimination without an additional enforcing bureaucracy.

A surety bond is issued by insurers for the purpose of guaranteeing that should a bonded contractor default, a construction project will be completed and the contractor's employees and material suppliers will be paid. Surety bonding is mandatory for competing for all Federal construction work in excess of $25,000, all federally assisted construction projects in excess of $100,000, and most State and local public construction. However, surety bonding requirements are not restricted to government contracting. Increasingly, private construction contracts also require surety bonding. As surety bonding has become a widespread requirement, the inability to obtain surety bonding can cripple a construction firm, especially a small or a new one.

In 1992, Congress acknowledged the importance of this issue when it enacted the Small Business Credit Crunch Relief Act and included legislation to study the problem of discrimination in the surety bonding field, Public Law 102–366, that I had introduced. The survey provision required the General Accounting Office [GAO] to conduct a comprehensive survey of business firms, especially those owned by women and minorities, to determine their experiences in obtaining surety bonding from corporate surety firms.

The GAO completed the requested survey in June 1995. The survey found that of the 12,000 small construction firms surveyed, 77 percent had never obtained bonds. In addition, minority- and women-owned firms were more likely to be asked for certain types of financial documentation. Further, minority-owned firms were also more likely to be asked to provide collateral and to meet additional conditions not required by others.

The ESBOA bill I am introducing today is modeled on the Equal Credit Opportunity Act

of 1968, which prohibited discrimination in credit practices. The ESBOA requires the contractor to notify the applicant of the action taken on his or her application within 20 days of receipt of a completed bond application. If the applicant is denied bonding, the surety would also be required, upon request, to provide a written statement of specific reasons for each denied request. Furthermore, the bill would provide civil liability in the form of damages and appropriate equitable relief should a surety company fail to comply with this notice requirement.

This legislation would help all contractors to have a better understanding of the reasons behind the denial of their bond applications. Furthermore, the importance of civil penalties cannot be understated for minority applicants who currently have no recourse when they suspect that the denial of surety bonding was based on considerations such as gender, race, or religion.

The disclosure of pertinent information to rejected applicants is an equitable principle familiar throughout the Federal acquisition process. This is the case when a small business is turned down for a government contract and has the opportunity to demand a negative preaward survey. With this information, the business can contest the award or use the information to be better prepared for the next award competition. The more a business knows about what is wrong with its proposal, the greater the likelihood that the next time the business will submit a better and more competitive proposal.

According to the National Association of Minority Contractors [NAMC], many minority contractors reported being turned down for a bond without an explanation. When explanations are not proffered, a perception of discrimination in the surety industry is created. This perception drives minority contractors to obtain sureties outside the mainstream, often at significant additional expense and fewer protections, placing themselves, their subcontractors, and the government at greater risk.

Civil penalties in this bill are necessary to compel surety bond companies to provide accurate and nondiscriminatory reasons for denial of surety bonding. This bill will provide the applicant with the necessary civil remedy should the surety bonding company refuse to provide this important information. In addition to providing essential information for future bond applications, a clear response will identify whether surety bonding companies are discriminatory or using fallacious criteria in making these decisions.

This legislation will create an environment in which small business firms, particularly those owned and controlled by minorities and women, can successfully obtain adequate surety bonding. This legislation will enable us to ferret out continuing biases in the industry. I urge my colleagues to support this bill and help abolish the artificial impediments to the development and survival of emerging small businesses.

TRIBUTE TO CALIFORNIA LUTHERAN UNIVERSITY

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. SHERMAN. Mr. Speaker, I rise before you today to acknowledge the students, faculty and administration at California Lutheran University. This university was recently commended by the John Templeton Foundation in the 1997–1998 Honor Roll for Character Building Colleges.

A panel of six distinguished individuals from various backgrounds evaluated colleges and universities across the country. They used five criteria to determine if the colleges were providing students not only with an environment which allowed them to develop a strong sense of morality and grow spiritually, but also provided students with an opportunity to give back to their community. To be considered for a place on the honor roll, colleges must inspire students to develop and strengthen their moral and reasoning skills, encourage spiritual growth and moral values, provide community building experiences, advocate a drug-free lifestyle and conduct a critical assessment of character-building projects and activities.

The words on the seal of California Lutheran University read ''Love of Christ, Truth and Freedom.' The faculty at CLU have worked to establish an environment which allows students to reflect on ethical questions and develop their own sense of morality. Christian tradition plays a central role in the students' lives and they are provided with opportunities to attend services, bible studies and social ministry programs. Additionally, students join efforts with faculty and staff to enrich the lives of those less fortunate in the community by working with developmentally disabled individuals, providing clothes for needy children and tutoring disadvantaged minority students.

Leon Blum once wrote, ''Life does not give itself to one who tries to keep all it advantages at once. I have often thought morality may perhaps consist solely in the courage of making a choice.'' Students at California Lutheran University have made a choice that they are willing to make a difference in our community. In making this choice the students have made the welfare of others their top priority.

Mr. Speaker, distinguished colleagues, please join me honoring the students and faculty at this exceptional institution for their integrity of character and commitment to improving the circumstances of those less fortunate in our community.

CARMEN FRANCO TRIMINO'S HEART IS STILL IN CUBA

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. TORRES. Mr. Speaker, there is no subject which when brought to this floor invokes more passion and hostility than the question of United States-Cuban policy. My colleagues who support the current United States policy of embargo, vehemently denounce any effort to improve relations between our two nations, until and unless the current President of Cuba departs. Those advocating alternative policies and new relationships with the people and the Government of Cuba, have to face having their integrity, patriotism, and intelligence called into question. My colleagues who defend the current United States policy toward Cuba are loyal and persistent defenders of their beliefs, and yet the anger and fury which they invoke, many times prevents and inhibits an open and free discussion of this important national policy issue. I believe that this institution and this country desperately need an honest, open and fair discussion on the goals, achievements, and impact of our current policy of embargo. As a contribution to this end, I wish to enter into the RECORD, a recently published editorial from the Arizona Republic. This article tells a story about one woman's crusade to bring change, heart, and humanity to our country's policy toward Cuba. Its subject is Carmen Franco Trimino, a successful entrepreneur, whose steel plating and powder coating business has operations in both Arizona and southern California. She is in Washington today, trying to win over some hard hearts in the United States Congress, seeking support for a bill which I introduced, H.R. 1951, the Cuban Humanitarian Trade Act of 1997, which would permit United States trade with Cuba in the areas of foods, medicine, and medical supplies. I urge my colleagues to read Ms. Trimino's story, and I commend her for her valiant and tireless efforts on behalf of both the Cuban and the American people. I would leave my colleagues with a question to ponder which Ms. Trimino raises: ''Does our hatred for Castro and his Communist system so blind us that we are willing to allow a humanitarian tragedy of immense proportions to unfold 90 miles off our shores, just in hopes it will overthrow him?''

Mr. Speaker, I believe that the United States is capable of a more enlightened, more humanitarian, more just policy toward the people of Cuba. I urge my colleagues to revisit this issue by reading the following story about Ms. Trimino, and then I urge my colleagues to join with me, and 69 other Members of the House of Representatives, in removing from United States policy the restriction over the sales of foods and medicine to Cuba.

[From the Arizona Republic, Aug. 17, 1997]

U.S. SANCTIONS ARE CRIPPLING HEALTH CARE—PEOPLE, NOT CASTRO, FEEL EFFECTS

(By James Hill)

It has been years since Carmen Franco Trimino moved body and soul to the United States. But her heart is still in Cuba.

A successful entrepreneur, whose steel plating and powder coating business has operations in both Arizona and Southern California, Trimino now devotes much of her time and seemingly all of her energies to win over some pretty hard hearts in the U.S. Congress on an issue that is breaking hers: the part of the U.S. economic embargo against Fidel Catro's regime that has essentially cut off the importation of foods and medicines into her native land.

She's not winning, yet. But she's not losing, either.

This summer, her lobbying paid off when 12 members of the House of Representatives, ranging along the ideological spectrum from Democrats Esteban Torres of California and Charles Rangel of New York to Republicans Jim Leach of Iowa and Ron Paul of Texas, agreed to sponsor a bill that would specifically exempt food and medicines from the

embargo. Since the bill was introduced, 44 other members have signed on as co-sponsors, again representing the range of the ideological spectrum.

The Cuban Humanitarian Trade Act of 1997 would overturn a particularly insidious clause in the Cuban Democracy Act of 1992 that made the importation of foods and medicines technically not illegal, but so bureaucratically complex as to amount to a de facto secondary embargo.

The 1992 legislation was sold as a means of putting the squeeze on Castro and his Communist government after Cuba's long-time patron, the Soviet Union, had collapsed, wiping out more than 70 percent of the island nation's trade. Rather than constricting Castro, whose regime remains as unrepentantly communist as ever, it slowly began to sap the strength of average Cubans.

The Periodo Especial, as Cubans refer to the miserable hand that life has dealt them, strictly rationed everything, from food to gasoline to times when electricity and other utility services are available. Work schedules were altered to account for the breakdown in public transportation facilities, and school days were shortened. Bicycles became a principal way of getting about.

Then Castro pulled another fast one on his Yankee tormentors. He pegged the peso to the U.S. dollar, opened the doors to tourism (but for only a few Americans, thanks to the embargo) and allowed a measure of free enterprise to not only exist, but flourish.

When I accompanied a delegation led by Trimino last November to inspect the effect the embargo was having on health care facilities, I was stunned to find a country that was enjoying a 7 percent growth rate, a building boom in parts of Havana and in regions designated to handle the influx of tourists, and a general sense that the worst of the Periodo Especial, or special period, was over.

Yet, there were plenty of caution flags that it wasn't; indeed, that perhaps the worst was yet to come.

For one, a Foreign Ministry official confided that the 7 percent growth rate was relevant only when one gauged how far Cuba had fallen. Cubans with access to dollars could shop for food in well-stocked markets, including the supermarket once reserved for members of the Soviet diplomatic corps.

But those who were still in the internal economy, where the unofficial peso is little more than script, were at the mercy of the state-run systems, where shelves were empty save for rice and beans.

More telling, however, were my conversations with several doctors and other medical personnel throughout the island. Cubans take great pride in the medical system they built from scratch since Castro came to power in 1959. And discussions would always begin with the typical boasting about what type of services that medical system could provide.

Pressed, however, these practitioners would drop the hyperbole and cut to the chase: The embargo was denying them not only the medicines needed to administer to the sick, but the tools and the educational materials needed to keep up with their practices.

In a major Havana hospital, the lead physician in one ward took me into a room where ambulatory patients were being fed their noon meal, a concoction that appeared to be something near a rice and bean soup. All of the patients received the amount of calories needed for their recovery, he noted even if variety in their diet was lacking. Then he drove home another point: Patients were fed even if the staff had to forgo its minimum daily dietary requirements.

At another major medical center, this time in the southern port of Cienfuegos, the director admitted that he feared the outbreak of any epidemic, because the combination of the shortages of antibiotics and the limitations on nutrition would make it impossible for his doctors to put up a fight.

But that was November. Despite the Helms-Burton Act that vows to punish foreign corporations for doing business in Cuba, the re-election of President Clinton held the hope out to Cubans that a warming might be near. Clinton himself had fed this perception by his refusal to sanction the most draconian of Helms-Burton provisions, a decision he reaffirmed this summer.

If the president is squeamish about implementing those provisions, however, his administration has done little else to indicate that it is interested in patching things up, almost four decades since the U.S.-sponsored invasion to topple Castro went disastrously awry at the Bay of Pigs.

Meanwhile, Trimino reports, the situation has become graver, especially in the Oriente, or eastern provinces normally out of sight to tourists. In the provincial city of Holguin, she told of recently visiting with a young girl just out of the hospital who had been treated for severe malnutrition; her daily intake consisted of a biscuit made from sweet potatoes. She had been receiving a liter of yogert , as a substitute for milk, every four days.

This is something I cannot independently corroborate, although I have no reason to doubt it. While I did not see any starving people during my visit last November, I saw enough too-thin people, especially in the countryside, and emaciated livestock to convince me—the relative prosperity in Havana and other cities notwithstanding—that Cuba could be on the verge of a major health crisis. It might still be. Or worse, it might be sliding into the middle of one, the outcome of which could be too horrific to consider.

The question Americans have to ask is simple. Is this what we want? Does our hatred for Castro and his communist system so blind us that we are willing to allow a humanitarian tragedy of immense proportions to unfold 90 miles off our shores, just in hopes it will overthrow him?

Over his long reign, Fidel Castro has survived numerous American attempts at removal, including those of assassination and the threat (almost to the brink, in fact) of nuclear war. Most experts who follow Cuba say only Castro's naturally appointed date with the Grim Reaper will allow Washington to say it has finally achieved its goal, and all reports are that for a man in his early 70s, he is much healthier (and better fed) than his average countryman.

That is not the point, though, insists Carmen Trimino as she makes her rounds of congressional offices, trying to enlist more representatives to her heartfelt cause. (Not one member of the Arizona delegation has been receptive.)

''It is my people who are facing starvation,'' she says indignantly.

Perhaps she will win the day. Embargoes are a favored tool of U.S. diplomacy, often in collusion with the United Nations, for use against recalcitrant regimes. Witness the fact that sanctions are being applied not only to Cuba but also in Iraq (where Saddam Hussein is allowed to sell oil to purchase foods and medicines), Libya and Myanmar (Burma). Limited sanctions still are applied to what is left of Yugoslavia (Serbia and Montenegro).

But sanctions are rarely effective. Notice that the strongmen running the governments of the aforementioned countries are all still in power, even if their people are at the point of emotional and physical breakdown. Nor are sanctions even relevant; America's official fascination in maintaining a dialogue with the butchers of Tiananmen Square, who defiantly continue to keep more than 1 billion Chinese under Communist oppression, has made a mockery of U.S. efforts to use economic measures as a whip against lesser regimes.

Carmen Trimino only wishes that more members of Congress would see in their hearts the futility of denying foods and medicines,; the bill she wants the House to consider takes no stand on other parts of the economic embargo. (Perhaps it should; Castro might last, but the communist system would likely collapse upon the rush of American goods). She will keep trying. Her Cuban-American heart is in it.

APPOINTMENT OF CONFEREES ON H.R. 2378, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT 1998

SPEECH OF

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 24, 1997

Mr. SANDLIN. Mr. Speaker, I rise today as a founding member of the Missing and Exploited Children's Caucus. I rise as a father of four. I rise as a little league coach and a former county court at law judge. I rise today to say that I support every effort to protect our Nation's children and I support the motion to instruct by the Member from Maryland. As much as any Member on this floor, I support full funding for programs to safeguard, protect, and rescue our missing and exploited children. I cannot vote for the previous question because we should not vote on this motion to instruct conferees in its current form.

I will vote against the previous question because these instructions are incomplete. This motion to instruct should include instructions to adopt the Senate position on the Member of Congress cost of living increase. The Republican leadership has precluded an up or down vote on the Member pay raise, and forced me to vote against the previous question to voice my opposition to the pay increase. I support the motion. I will vote against the previous question not for what is included in the motion, but for what is not included in the motion.

The Member pay raise should be put to a straight vote with an honest, open debate. This Treasury/Postal appropriations bill was rushed through the floor with a rule that denied a vote on the pay raise. Members were denied the opportunity to cast a vote on the pay raise and denied a true forum to voice their opposition to the pay raise. The leadership of this House owe the people of America, the people we are here to serve, an honest debate and an honest vote on the pay raise.

I did not come to Congress to cut spending only when I am not affected by the cut. The American people deserve as much as we can give them. The American people deserve a balanced budget. The American people deserve tax relief. The American people deserve the assurance that Social Security and Medicare will be there to serve them when they retire. The American people deserve the best education this country can offer them.

If we are going to ask all American to sacrifice to balance the budget, we should expect

the same of ourselves. I wish I did not have to vote against the previous question simply to voice my opposition to the pay raise, but I do. The protection of our children is an issue that is near to my heart, but so is my commitment to the people of east Texas to balance the Federal budget. I oppose this motion to instruct in its current form only because it is incomplete.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. KIND. Mr. Speaker, it appears that after a long battle this House may be close to considering campaign finance reform. It is my hope that when we do that we will have a fair, bipartisan bill that contains no poison pills and offers real reform of the system.

I have been working with fellow freshman Members to create such a bill. We agreed at the very beginning to put aside any poison pills, items that would automatically put one party at a competitive disadvantage. The result was a bill that bans soft money, increases candidate disclosure, and requires organizations making independent expenditures to reveal who they are and how much money they are spending. It was not an easy process, but we learned to work together and trust each other and in the end drafted a fair bill that will make a real difference in the system.

There may be a great temptation to kill a reform bill with partisan amendments. I hope that we can avoid that fate. The only way a campaign finance bill can become law is through bipartisan cooperation. If we can reject poison pills, reject partisan attacks and reject the temptation to pass a bill without teeth, then we can see true campaign finance reform for the first time since the 1970's.

Today we are at a crucial time in this debate, I hope we don't blow it.

EXTEND SECTION 245(i) OF THE IMMIGRATION AND NATIONALITY ACT

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. WEYGAND. Mr. Speaker, I rise today to discuss the importance of extending section 245(i) of the Immigration and Nationality Act.

Section 245(i) allows immigrants who are out of status, but legally eligible for visas, to pay a $1,000 fee to adjust their status while remaining within the borders of the United States.

These immigrants are eligible to obtain legal status in the form of permanent residence in this country based on a family relationship or an offer of employment.

What naysayers must understand is that the 245(i) program does not alter U.S. immigration policy, or make entering our country any easier. What it does is assist a pediatrician who comes to this country to help care for our kids. It helps foreign students who have been educated at American universities and have chosen to utilize their new talents right here in the United States. It assists a wife who comes to America to join her husband who has built a solid career here. It allows all of these people to renew their status with a fee, rather than requiring them to take a return trip to their native country. In some cases they may not be able to return for 3 to 5 years.

But the dream of staying in the United States for many of these people may soon be just that—a dream. Next Tuesday, these people who have come here hoping to be reunited with a family member or hoping to provide their talents to the greatest nation on earth, may be forced back to their native land without a blink of an eye. On September 30, 1997, 245(i) is scheduled to sunset. If we do not extend this section, a mass deportation will occur—wives will be taken from their husbands' arms and valued workers will lose their jobs. Families will be ripped apart and businesses will be disrupted. We should not and cannot allow this to happen.

An extension of 245(i) would not only benefit immigrants currently living in the United States, their family members and their employers, but would benefit our country as a whole. For example, that fee these immigrants pay to renew their status goes straight into the U.S. State Department coffers, at a sum of $200 million each year. 245(i) provides the Immigration and Naturalization Service with the funds necessary to carry out important enforcement and detention functions.

By allowing immigrants to change their status within the our Nation, the United States has also been able to reduce the applications at the consulate by 3 percent. This allows them to focus on their primary functions of enhancing foreign diplomacy and assisting United States citizens living or traveling abroad.

I ask you, as Members of Congress and representatives of the people, what is the benefit to our country of breaking up families and breaking down businesses? I urge my colleagues to support the extension of this necessary and beneficial provision.

THE NEED TO ELIMINATE THE MARRIAGE TAX

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mrs. NORTHUP. Mr. Speaker, I rise today in strong support of eliminating the marriage tax. Although this Congress has made significant steps in reducing the tax burden on Americans we still have a long road ahead of us in restructuring our Tax Code and instill fairness to all taxpayers. As we travel down this road one of our first stops must be to eliminate the tax that penalizes the sacred institution of marriage.

My opposition to the tax on marriage is simply a question of fairness. Why should a man and woman who are married and living together be taxed more than a man and woman living together who are not married? CBO has estimated that 21 million couples have paid on average $1,400 and some exceeding $20,000 in surplus taxes as a result of having to change their filing status to married. This is a substantial amount of money that could be used toward a child's education, retirement savings, a new home or a car. Furthermore, a couple should not have to consider the IRS when deciding whether to enter into marriage. The marriage penalty blatantly contradicts what this Congress has attempted to achieve in strengthening American families and providing significant tax relief.

Married couples are faced with numerous challenges and burdens. Let us not forget that married couples frequently are in the process of raising children—a wonderful and very expensive experience—and should therefore be afforded as much financial relief as possible. Let's not punish these couples for their love and commitment for one another, let's reward them for their willingness to strengthen our society through the sacred bond of marriage.

PERSONAL EXPLANATION

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. PORTER. Mr. Speaker, I regret that I was unavoidably absent from the Chamber on Rollcall votes Nos. 410 through 415.

Had I been present, I would have voted no on Roll No. 410, no on Roll No. 411, aye on Roll No. 412, aye on Roll No. 413, no on Roll No. 414, and aye on Roll No. 415.

THE OCEANS ACT OF 1997

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. FARR of California. Mr. Speaker, I rise today to introduce the Oceans Act of 1997. I am pleased to be able to offer this bill with the support of the chairman of Resources' Subcommittee on Fisheries Conservation, Wildlife and Oceans, Representative JIM SAXTON; the ranking Democrat of that subcommittee, Representative NEIL ABERCROMBIE; and the ranking Democrat on the Resources Committee, Representative GEORGE MILLER, as well as Representatives GILCHREST, PALLONE, GEORGE BROWN, PORTER GOSS, PATRICK KENNEDY, and SOLOMON ORTIZ.

This is an exciting time in the history of man's relationship with the oceans. With this year as the International Year of the Reef, and next year as the International Year of the Ocean, more focus is being directed on the state of the world's coasts and oceans than ever before. And rightly so.

We are critically dependent on the oceans, and the resources we derive from them. Commercial and recreational fishing provides 1.5 million jobs and an estimated $111 billion annually to the Nation's economy, and more than 30 percent of the United States GNP is produced in coastal counties. Americans love the ocean and beaches: they are our leading tourist destination, with 85 percent of tourist revenues being spent in coastal States. In 1993 more than 180 million Americans visited coastal waters nationwide, and in California alone the revenue generated by tourism is approximately $38 billion annually. The beautiful coasts and ocean in my district are key to the areas's $1.5 billion travel and tourism industry.

Yet we cannot ignore the evidence that our oceans and coasts are imperiled. Since 1950 production from world fisheries and aquaculture has increased by a factor of five. Food and Agriculture Organization [FAO] analysis of hte world's fishing resources in 1995 concluded that most of the major fish stocks in the world can be classified as fully fished, overfished, depleted, or recovering. Approximately 45 percent of the Nation's threatened and endangered species inhibit coastal areas, and almost 75 percent of the endangered and threatened mammals and birds rely on these coastal habitats.

We are inundated every day with stories of marine, estuarine and reverine pollution, wetlands loss, algal blooms, coastal and marine habitat degradation, fishery over-harvesting, and the looming threat of sea-level rise. With all of the legislation, regulations, and Federal, State and local programs and policies, we somehow still seem to be failing in our mission to have healthy, sustainable oceans and coasts.

The situation will only get worse as coastal populations increase: Two-thirds of the world's cities with populations over 1.6 million are located in the coastal zone. By the year 2010 it is estimated that at least 75 percent of the United States population will live within 50 miles of the coast, with all of the attendant potential environmental consequences of having so many people concentrated in areas of diverse and fragile ecosystems.

Part of the problem is that we are not investing enough in learning about our oceans; for all of the money we have spent in space exploration, we know woefully little about the amazing characteristics of the 71 percent of our planet's surface that is the world's oceans. The fact is, we know less about the surface of our own planet than we do about that of Mars, Venus, or the Moon. I believe that we need to put our national ocean exploration programs on par with the space program, and our efforts to conserve the marine environment at least equal to that provided to the land portion of our country. Our efforts to protect our marine environment through our national marine sanctuary system provide only 0.7 percent of the funding we give just to our national parks.

The legislation I am introducing is patterned after the law which was enacted in 1966 to establish the Commission on Marine Science, Engineering and Resources, known as the Stratton Commission, after its chairman, Julius Stratton of the Ford Foundation. The Commission was given the task of examining the Nation's stake in the development, utilization, and preservation of the marine environment, to assess the Nation's current and anticipated marine activities; and, on the basis of this information, to formulate a comprehensive, long-term, national program for marine affairs with the goal of meeting current and future needs in the most efficient manner possible. In January of 1969, the Stratton Commission released its report ''Our Nation and the Sea: A Plan for National Action.''

The report and recommendations of the Commission led to the creation of the National Oceanic and Atmospheric Administration, supported the impetus for the enactment of the Coastal Zone Management Act in 1972, and provided the vision and structure for ocean and coastal policy for the past thirty years. Today, however, U.S. population has grown from 196.5 million in 1966 to 265.6 million in 1996, over half of whom lives within 50 miles of our shores; ocean and coastal resources once thought inexhaustible are now seriously depleted; and wetlands and other marine habitats are threatened by pollution and human activities.

As the 30-year anniversary of the Stratton Commission's report approaches, it is of great importance that we again do a thorough assessment of the current state of our Nation's coastal and marine resources, programs, and policies, and that we create a new national ocean plan to lead us into the 21st century. The Oceans Act of 1997 contains similar provisions to the 1966 act. It calls for the creation of a Stratton-type commission, called the Commission on Ocean Policy, to examine ocean and coastal activities and to report within 18 months its recommendations for a national policy. In developing the report, the Commission would assess Federal programs and funding priorities, infrastructure requirements, conflicts among marine users, and technological opportunities. The Commission would then meet at a minimum of once every 5 years to assess the Nation's progress in meeting the purposes and objectives of the act. An appropriation of $6 million over the course of fiscal years 1998 and 1999 would be authorized for the Commission to complete its work. In addition, such sums as necessary would be authorized for the Commission to meet in the 10 years following the submission of the report.

It would also call for the President, with the assistance of the heads of relevant agencies and departments, and on the advice of the Commission, to develop and implement a coherent national ocean and coastal policy that provides for protection against natural hazards; responsible stewardship of fisheries and other ocean and coastal resources; protection of the marine environment; resolution of conflicts among users of the marine environment; advancement of research, education and training in fields related to marine activities; continued investment in marine technologies; coordination and cooperation within and among governments; and preservation of U.S. leadership on ocean and coastal issues.

I believe that a comprehensive ocean and coastal conservation and management plan for our country is absolutely necessary. Our efforts have got to be coordinated, and we've got to act now to increase our knowledge of this critical area of our planet, and to ensure proper management of marine resources, and healthy, vibrant coastal and ocean ecosystems we all can enjoy.

H.R. 2544, THE TECHNOLOGY TRANSFER COMMERCIALIZATION ACT OF 1997

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mrs. MORELLA. Mr. Speaker, today I am introducing H.R. 2544, the Technology Transfer Commercialization Act of 1997, a bill which promotes technology transfer by facilitating licenses for federally owned inventions.

Each day research and development programs at our Nation's over 700 Federal laboratories produce new knowledge, processes, and products. Often, technologies and techniques generated in these Federal laboratories have commercial applications, if further developed by the industrial community.

As a result, Federal laboratories are working closely with U.S. business, industry, and State and local governments to help them apply these new capabilities to their own particular needs. Through this technology transfer process our Federal laboratories are sharing the benefits of our national investment in scientific progress with all segments of our society.

It seems clear that the economic advances of the 21st century will rooted in the research and development performed in our Nation's laboratories. These advances are becoming even more dependent upon the continuous transfer of technology into commercial goods and services. By spinning-off and commercializing federally developed technology, the results of our Federal research and development enterprise are being used today to enhance our Nation's ability to compete in the global marketplace.

For over a decade and a half, Congress, led the Science Committee, has embraced the use of technology transfer from our Federal laboratories to help boost our international competitiveness. We have enacted legislation establishing a system to facilitate this transfer of technology to the private sector and to State and local governments.

The primary law to promote the transfer of technology from Federal laboratories is the Stevenson-Wydler Technology Innovation Act of 1980. The Stevenson-Wydler Act, Public Law 96–480, makes it easier to transfer technology from the laboratories and provides a means for private sector researchers to access laboratory development.

In addition, Congress has enacted additional laws to foster technology transfer, including the Federal Technology Transfer Act of 1986 (Public Law 99–502); the Omnibus Trade and Competitiveness Act of 1988 (Public Law 100–418); the National Competitiveness Technology Transfer Act of 1989 (Public Law 101–189); and the American Technology Preeminence Act of 1991 (Public Law 102–245), among others. In addition, Congress enacted the amendments to the Patent and Trademark Laws, also known as the Bayh-Dole of 1980 (Public Law 96–517).

Most recently, in the past Congress, the National Technology Transfer and Advancement Act of 1995 (Public Law 104–113), which I introduced, was enacted into law. Public Law 104–113 amends the Stevenson-Wydler Technology Innovation Act of 1980 and the Federal Technology Transfer Act of 1986 to improve U.S. competitiveness by speeding commercialization of inventions developed through collaborative agreements between the Government and industry. The law also promotes partnership ventures with Federal laboratories and the private-sector and creates incentives to laboratory personnel for new inventions.

As the chair of the House Science Committee's Technology Subcommittee, I am pleased to continue this tradition of advancing technology transfer and encouraging research and development partnerships between Government and industry with the introduction of H.R. 2544, the Technology Transfer Commercialization Act. H.R. 2544 seeks to remove the legal obstacles to effectively license federally owned inventions, created in Government-owned, Government-operated laboratories, by

adopting the successful Bayh-Dole Act as a framework.

The bill provides parallel authorities to those currently in place under the Bayh-Dole Act for licensing university or university-operated Federal laboratory inventions. The bill also amends the Stevenson-Wydler Act, as amended, to allow Federal laboratories to include already existing patented inventions into a cooperative research and development agreement [CRADA].

Thus, agencies would be provided with two important new tools for effectively commercializing on-the-shelf Federally owned technologies—either licensing them as stand-alone inventions, under the bill's revised authorities of section 209 of the Bayh-Dole Act, or including them as part of a larger package under a CRADA. In doing so, this will make both mechanisms much more attractive to U.S. companies that are striving to form partnerships with Federal laboratories.

Additionally, H.R. 2544 removes language requiring onerous public notification procedures in the current law, recognizing that in partnering with Government, industry must undertake great risks and expenditures to bring new discoveries to the marketplace and that in today's competitive world economy, time-to-market commercialization is a critical factor for successful products. Federal regulations currently require a 3-month notification of the availability of an invention for exclusive licensing in the Federal Register. If a company responds by seeking to license the invention exclusively, another notice requirement follows providing for a 60-day period for filing objections. The prospective licensee is publicly identified along with the invention during this second notice. This built-in delay of at least 5 months, along with public notification that a specific company is seeking the license, is a great disincentive to commercializing on-the-shelf Government inventions.

No such requirements for public notification and filing of objections exist for licensing university patents or patents made by contractor-operated Federal laboratories. In addition, no such restriction applies to companies seeking a CRADA, which now guarantees companies the right to an exclusive field of use license. In all the years that the statutes have been utilized, no evidence has arisen that the universities or contractor-operated laboratories abuse these authorities. The steady increase of university licensing agreements, royalties, commercialized technologies, and economic benefits to the U.S. economy shows that removing such legal impediments is critical to success.

Changing this provision would not only speed the commercialization of billions of dollars of on-the-shelf technologies, it would also allow these discoveries to be effectively included in CRADA, which is now very difficult to do. These built-in delays fundamentally exacerbate the biggest industry complaint about dealing with the Federal Government as a R&D partner—it simply takes too long to complete a deal. Requiring a half year delay to receive a license that both parties want to grant makes no sense.

Removing this restriction eliminates the last significant legal roadblock to expediting licensing and commercialization of federally funded patents. This should provide an important tool for our economic growth if the agencies apply this new authority aggressively.

While removing language requiring onerous public notification procedures in the current law, it is the intent of the bill that agencies will continue to widely disseminate public notices that inventions are available for licensing. Agencies should approach this in the same manner that they are now providing notice that opportunities or a CRADA are available under the Federal Technology Transfer Act, and universities advertise available licenses under the Bayh-Dole Act.

In providing the appropriate notice of the availability of their technologies for licensing, I would expect that agencies would make the greatest possible use of the Internet. Electronic postings provide instantaneous notice that commercial partners are being sought for developing Federal patents. Virtually all Federal laboratories and universities now already use their Internet websites to post such notices. This should be a far more effective advertising tool than mere publication in the Federal Register, especially since most small businesses do not scan the Federal Register looking for new technologies.

Mr. Speaker, the Technology Transfer Commercialization Act streamlines Federal technology licensing procedures by removing the uncertainty and delay associated with the licensing determination process. Removing the roadblocks to the commercialization of Federal research and development by industry has been a goal we, in Congress, have long supported, and I would urge my colleagues to join me in this effort.

H.R. 2544

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Technology Transfer Commercialization Act of 1997''.

SEC. 2. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.

Section 12(b)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(b)(1)) is amended by inserting ''or, subject to section 209 of title 35, United States Code, in a federally owned invention directly related to the scope of the work under the agreement,'' after ''under the agreement,''.

SEC. 3. LICENSING FEDERALLY OWNED INVENTIONS.

(a) AMENDMENT.—Section 209 of title 35, United States Code, is amended to read as follows:

''§ 209. Licensing federally owned inventions

''(a) AUTHORITY.—A Federal agency may grant an exclusive or partially exclusive license on a federally owned invention if—

''(1) granting the license is a reasonable and necessary incentive to—

''(A) call forth the investment capital and expenditures needed to bring the invention to practical application; or

''(B) otherwise promote the invention's utilization by the public;

''(2) the Federal agency finds that the public will be served by the granting of the license, as indicated by the applicant's intentions, plans, and ability to bring the invention to practical application or otherwise promote the invention's utilization by the public;

''(3) the applicant makes a commitment to achieve practical utilization of the invention within a reasonable time;

''(4) granting the license will not substantially lessen competition or create or maintain a violation of the antitrust laws; and

''(5) in the case of an invention covered by a foreign patent application or patent, the interests of United States industry in foreign commerce will be enhanced.

''(b) MANUFACTURE IN UNITED STATES.—Licenses shall normally be granted under this section only to a licensee who agrees that any products embodying the invention or produced through the use of the invention will be manufactured substantially in the United States.

''(c) SMALL BUSINESS.—First preference for the granting of licenses under this section shall be given to small business firms having equal or greater likelihood as other applicants to bring the invention to practical application within a reasonable time.

''(d) TERMS AND CONDITIONS.—Licenses granted under this section shall contain such terms and conditions as the granting agency considers appropriate. Such terms and conditions—

''(1) shall include provisions—

''(A) requiring period reporting on utilization of the invention, and utilization efforts, by the licensee; and

''(B) empowering the Federal agency to terminate the license in whole or in part if the agency determines that—

''(i) the licensee is not adequately executing its commitment to achieve practical utilization of the invention within a reasonable time;

''(ii) the licensee is in breach of an agreement described in subsection (b); or

''(iii) termination is necessary to meet requirements for public use specified by Federal regulations issued after the date of the license, and such requirements are not reasonably satisfied by the licensee; and

''(2) may include a requirement that the licensee provide the agency with a plan for development or marketing the invention.

Information obtained pursuant to paragraph (1)(A) shall be treated by the Federal agency as commercial and financial information obtained from a person and privileged and confidential and not subject to disclosure under section 552 of title 5, United States Code.

''(e) PUBLIC NOTICE.—No license may be granted under this section unless public notice of the availability of a federally owned invention for licensing in an appropriate manner has been provided at least 30 days before the license is granted. This subsection shall not apply to the licensing of inventions made under a cooperative research and development agreement entered into under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).''.

(b) CONFORMING AMENDMENT.—The item relating to section 209 in the table of sections for chapter 18 of title 35, United States Code, is amended to read as follows:

''209. Licensing federally owned inventions.''.

A TRIBUTE TO FAUSTO A. ROSERO

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Ms. VELÁZQUEZ. Mr. Speaker, today I rise to pay a very special tribute to one of my constituents, who after working for 30 years is now ready to retire. Mr. Fausto Anibal Rosero is retiring from United Airlines, where he is currently a lead in the Cabin Service Division. During his tenure at United Airlines, Fausto exhibited exceptional leadership skills as well as a commitment to excellence.

His dedication and commitment to excellence led to his designation as a lead cabin serviceman. Under his supervision, Fausto

has a crew of eight cabin servicemen, whose responsibility is to ensure that United flights leaving LaGuardia Airport are fully supported and maintained. In an era of heightened awareness regarding airline safety measures and concerns his belief is to encourage his crew to review and follow all safety rules and procedures. This type of positive reinforcement to be safety conscious in the workplace reflects his concern about the passengers and crew that board his fights.

In 1993, Fausto was recognized by United Airlines and 80,000 of his fellow employees as he was nominated to receive the Cabin Service Employee of the Year Award. His dedication reflects a lifelong pursuit of happiness that he strives for every day. Fausto philosophy of life ''Primero la obligacion despues la devocion.''

Fausto Rosero's life here in the United States began like many others who came to the United States of America seeking a better life for themselves and their family. Throughout history, America has been known as the land of opportunity. We have welcomed people with great pride from all over the world and from all walks of life. The diversity of people and nations is our country's greatest strength. Immigrants have long been the lifeblood of this great city of New York, making it flourish because of their hard work and dedication.

On September 9, 1962, Fausto Anibal Roser emigrated from his native homeland of Quito, Ecuador, to pursue and begin living the American dream. Like the previous waves of immigrants, Fausto left his family to settle down in his new life. He soon sent for his wife, Ana Beatriz Medina, whom he married on April 20, 1959. Beatriz arrived in this country not only with great enthusiasm and ambition but also with their daughter, Amparito Rosero on May 9, 1962. The Rosero family settled in the same community in which they still call home, Corona, Queens. Having firmly planted the seeds in their new home, their family began to expand.

On September 27, 1963, Fausto Gerardo Rosero was the first American citizen born to the family. This not only represented the first generation of American citizens but also the beginning of a new culture.

In the fall of 1966, the Rosero and Moya families moved into a 102–25 46th Avenue, Corona, NY 11368. This address represents the gateway, our families ''Ellis Island'' to all those who followed. Every single family member and friend has crossed through those doors staying until they could establish themselves and ultimately their own place in this country. We have always called Corona home, up until the present day. Growing up and living together represent the close emphasis placed on ''La Familia.'' Together both families have struggled, prospered and stayed together throughout the years. Although Edgar and Maria Moya now live up the street, four houses away, at 102–11 46th Avenue. They continue to share in the joys of each others families. Their sons Francisco Paul Moya and Edgar Ivan Moya have just celebrated their graduations from St. John's University on September 21, 1997.

Francisco ''Ponch'' received his bachelor of arts degree in Asian Studies and Edgar his masters degree in Spanish Literature. Edgar is also a member of my staff. He is my congressional aide in my Corona office.

Fausto and Bachi saw three more of their children born; Alex Antonio Rosero born on October 20, 1968, Daisy Violeta Rosero born on January 29, 1970, and finally Luis Alberto Rosero born on December 8, 1972. All five children grew up in this household and in Corona. With a firm emphasis placed on education he sent his five children to St. Leo's Roman Catholic Elementary School. Prior to arriving in this country, Fausto was a teacher in Ecuador. He taught for 6 years in El Normal Catolico de los Hermanos LaSalles. He taught first thru fifth grades. In addition, he also taught music, including guitar and the accordion to the senior high school class. His love for music has been lifelong and is evident as he continues to play the piano. Fausto taught in the same school he received his own education and the same church where he married Beatriz Medina in over 38 years ago.

Their children are working and are in the process of beginning their own lives. Amparito Rosero attended Queens College, she now is married to Hector Raul Cadena and have two sons, Christopher Mark Alexander Cadena, who was the first born of the second generation, and Jonathan Gerardo Cadena, they above all represent his legacy as they begin the second generation.

Gerald Rosero, a former U.S. Marine, graduated from Queens College with a bachelor of arts in economic. He is now married to Elizabeth del Toro and has a beautiful daughter, Miranda Nicole Rosero, the first grandaughter of the family.

Alex Rosero, attended the State University of New York at Albany. He also graduated with a bachelor of arts in economics. He now lives abroad in Amsterdam, Netherlands, while working for Pepe Jeans International.

Daisy Rosero, also has attended Queens College concentrating on art history and Spanish secondary education. Daisy now works for Rainbow Chimes, a nonprofit child care organization.

Luis A. Rosero attended and graduated from the State University of New York, College at Purchase. He studied political science with a minor in Latin American politics. He currently works for my Washington office as my office administrator. He began his congressional career as an intern in my office during college. Luis also worked in my Queens office before returning to SUNY Purchase for his senior year. He returned to Washington, DC, 6 days after graduation.

Their achievements and successes cannot only be attributed to Fausto but also to their loving mother Bachi. Beatriz is, has, and always will be responsible for them. She has worked and sacrificed her entire life to raise her children. It was her love and affection for her family throughout the years that kept them together. Their children should never forget the sacrifices and hard work that was needed for their upbringing. Fausto and Bachi have always stressed following the right path in life, no matter how difficult it may seem. If there is one lesson that should follow us for the rest of our lives and we should pass onto future generations, is the love and respect for one's family. Without having your family by your side one cannot stand alone. Loving your family for all their accomplishments is easy, loving them with their faults is what makes us one.

It has been a long road from Quito to Corona. The Rosero family has been granted a very special gift by an extremely special and devoted father. What has been achieved, what has been gained, what will be, is due to him. We will be his living legacy that he himself has planted many years ago. May we never let you down.

Mr. Fausto Rosero Basantes, you should be very proud of all your lifelong achievements and accomplishments. It is now time to sit back, relax, and enjoy yourself. Fly those friendly skies, let them take you places you have always wanted to visit. After 30 years of hard work at United Airlines you are entitled to sleep late and do whatever you please, but remember one of your sayings, ''El Tiempo Es Oro'' make the most of it.

HELPING OTHERS

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 25, 1997

Mr. COLLINS. Mr. Speaker, quite often as Members of this House, we need to take a moment to step back and look into the hearts of our communities. There, sitting on the steps of our schoolhouses and talking on our parkbenches are individuals working to help their neighbors in need. Such folk can be found in all parts of the country, and today I wish to honor a group of individuals who dedicate their lives to making others happy in Hattiesburg, MS. For it is there that the Civitan Camp for Citizens with Mental Retardation makes uncommon acts of kindness everyday occurrences.

Mrs. Abbie Rogers, director of the camp for more than 37 years, began working with handicapped children many years ago. She had a dream of providing the benefits of group recreation, crafts, friendships, and all the fun a camp can provide to these individuals who overcome adversity with tremendous human spirit and strength of heart. With the generous support of the Hattiesburg Civitan Club and the Iti Kana Girl Scout Camp, Mrs. Rogers' dream is now a reality for many children.

Her volunteers range from teenagers to business people and include doctors, nurses, musicians, craftsmen, and artists. These individuals give of their time and energy, yet benefit just as much as the campers in terms of the experiences they treasure for the rest of their lives. My daughter April has volunteered for many years beginning in high school. I believe that her experiences at the Civitan Camp truly epitomize the beauty of this magical place. The following is one such recollection.

Flashlight . . . check, raincoat . . . check, junk food . . . check. Definitely junk food, camp meals are always the pits. I am so excited I can hardly pack. OK, show down, April, or you're going to forget something important like your toothbrush.

Bright and early tomorrow morning I'll be ''on the road again.''

For two glorious weeks, I'll be roughing it in the great outdoors. Camp doesn't officially open until Monday, but counselors have to suffer through the long, boring orientation. You know, the stuff you already know, and if you didn't you wouldn't be here, right?

As I sit eagerly waiting to discover who my wild camper will be for this session, I try to catch up on all the missed time with my Mississippi friends. ''April Collins,'' Becky shouts clearly over the loud rumble in the small room. She is the camp director's right leg.

''Here,'' I reply half worried and half relieved that I am at the beginning of the alphabet. I met Becky nervously midway across the room and receive the personal file on my mysterious camper.

Aha! I got a baby. The 14-month-old girl is blue-eyed Alicia Bounds. Oh, my goodness, I am certainly going to get a workout; she is 30 heavy pounds and can't walk. As I quickly and anxiously scan the rest of her file, I learn she is blind, 90 percent deaf, has no muscle control, and has a lot of other complications. It seems as if the list of disabilities goes on forever. I fear I am going to have a very challenging week.

But I can handle it. Last year I had a 9-year-old boy who had to be fed through tubes in his stomach. I'll never forget the night I was feeding him supper and his tubes eased out. The doctor had to insert the tubes back in, which wasn't the most pleasant procedure to witness.

It's about time Monday got here! I am on pins and needles with 50 other psyched counselors waiting for our campers to arrive. The moment I saw Alicia, my heart went out to her. Her eyes are bluer than blue, and her cute chubby cheeks are perfect for a Grandmother to pinch. Now my job begins. I am her so-called mother for a week. I bathe her, feed her, change her, comfort her, take her to arts and crafts, swimming, fishing, canoeing, music, and leisure. Alicia and I are going to be the best of pals for seven days. I can tell her parents are ready for a vacation, because her dad is giving signals to his wife to hurry up. I try to imagine the pain they have been through.

Alicia used to be the everyday normal child, until three months of age when she was diagnosed with having spinal meningitis. After all the treatment and medication, this is what has become of Alicia. She almost died during her illness, and sometimes even I wonder if it would have been better if she had.

First on ''our'' agenda was to take Alicia on a tour of the camp, ending with a dip in the pool. My ears are still ringing from her temper tantrum. I guess I would have been pretty scared too, if I were blind. But by the end of the week, she enjoyed cooling off in the water. Alicia absolutely adored the outdoors. We'd stay outside from dawn to dusk. She quickly soaked up a savage tan.

Oh, and how Alicia loved to be rocked. I pampered her as though she was my first born. Sure I got frustrated at times, as when she would cry for almost an hour straight. But I drew in three big breaths and counted to 10 very slowly.

Alicia learned to sense my nearness to her. She would become upset when she felt my absence. I was one of the few who could comfort her. I can still picture her first and only smile. I don't recall what I did, but I had tried so hard all week to change her facial expression. And finally, a little smile.

We had a ball that week. Alicia was certainly a handful. I feel for her parents; I only had seven days of it. They have it the other 358 days.

Each year I have a feeling of accomplishment. But this past year I believe was the most challenging and rewarding. The fact that I could communicate and show my affection to her successfully has been my most satisfying experience.

Mr. Speaker, as the long hours of our days pass by at a blistering pace often leaving us with a sense of being totally overwhelmed, we need only take a moment to look at individuals such as Abbie Rogers or my daughter April, to put things in perspective and think in terms of what really is important—helping others. This can be done in many and varied ways, but I hope that at the end of the day, we in Congress share the sense of accomplishment that our efforts, though on a broader scale, are rooted in the very same goal, which is to help and serve the American people.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes:

Mr. MARTINEZ. Mr. Chairman, the amendment which Representative RIGGS offered to the Labor, Health and Human Services, Education and related agencies appropriations bill regarding the enforcement options available to the Department of Education pertaining to youth with disabilities in adult correctional facilities under the Individuals with Disabilities Education Act (IDEA) is an ill-advised and inopportune amendment. As a member of the bipartisan working group which developed the IDEA amendments of 1997, I am strongly opposed to this amendment, as it would contravene the carefully crafted bipartisan, bicameral legislation signed into law only 3 months ago.

The IDEA ensures that all children with disabilities receive a free appropriate public education. During the bipartisan negotiations on the IDEA amendments, several provisions were added to the statute to give States increased flexibility in serving the portion of disabled youth who are incarcerated in adult correctional facilities. These provisions are: Through State statute or Executive order a State may assign any public agency in the State responsibility for ensuring compliance with the obligation to provide a free appropriate public education to youth with disabilities incarcerated in adult prisons; States are permitted to exempt the participation of youth with disabilities incarcerated in adult prisons on State-wide assessments; States are permitted to exempt youth with disabilities whose eligibility under part B will end, because of their age, before they will be released from prison from transition planning; and States may modify a youth's individualized education plan or the act's provisions related to least restrictive environment if the State has demonstrated a bona fide security or compelling penological interest.

In addition to the exemption of these planning and administrative requirements which will result in huge cost savings, States no longer have to serve those youth with disabilities, aged 18 through 21, who were not identified, or did not have an individualized education program, prior to their incarceration in an adult correctional facility. With these additional provisions there should be no obstacle to serving this population.

Despite the acceptance of these numerous provisions, Congressman RIGGS, having signed off on this deal during the bipartisan negotiations on this bill, has sought to reopen the debate over whether youth with disabilities in adult correctional facilities should be served purely due to political pressure from the Governor of our State, Governor Wilson of California. The Riggs amendment would reduce the enforcement options of the Department of Education under the statute, thereby completely contradicting the bipartisan manner used to craft the amendments. Section 616(a) of the statute provides two enforcement actions available for use by the Department to ensure that States serve youth with disabilities in adult correctional facilities: The withholding of a pro-rata share of Federal funding attributable to the population of youth with disabilities in adult correctional facilities and the referral of the matter for appropriate enforcement action, including referral to the Department of Justice. This amendment would limit the enforcement action available to the Department to only the reduction of funds thereby ensuring that many States would forgo the vital funds, and violate the act, to avoid serving this vulnerable population.

Throughout the exchange of debate over this issue both prior to and during floor consideration, Mr. RIGGS asserted that the Department is overstepping its bounds by considering which option, reduction of funds or referral to Justice, to use in enforcing compliance with the statute. As Members can see, this assertion is clearly false. The statute clearly provides for the Department to use either option in ensuring that this population will be served. I will remind Members that since the act requires that all children with disabilities, including those incarcerated in adult correctional facilities, receive a free appropriate public education, the Department is required to use every means at its disposal to enforce the law. Congress should not be in the practice of limiting the enforcement options, especially through the appropriations process, of this vital civil rights legislation. For too long, disabled individuals have been left without assurance of educational opportunity. Now is not the time to turn the clock back and lessen our commitment.

The process used to reauthorize the IDEA during the early portion of the 105th Congress was strongly bipartisan and produced legislation which received nearly unanimous support because Democrats and Republicans worked together. I am strongly disappointed that Mr. RIGGS has sought to mischaracterize and undermine the bipartisan process we used to craft this historic legislation through the statements he has made regarding this amendment.

Thursday, September 25, 1997

Daily Digest

HIGHLIGHTS

Senate and House agreed to Defense Appropriations Conference Report.

Senate

Chamber Action

Routine Proceedings, pages S9911–S9987

Measures Introduced: Four bills and two resolutions were introduced, as follows: S. 1219–1222, and S. Res. 126–127 **Page S9969**

Measures Reported: Reports were made as follows:

S. Res. 126, authorizing supplemental expenditures by the Committee on Veterans' Affairs. (S. Rept. No. 105–87)

S. 363, to amend the Communications Act of 1934 to require that violent video programming is limited to broadcast after the hours when children are reasonably likely to comprise a substantial portion of the audience, unless it is specifically rated on the basis of its violent content so that it is blockable by electronic means specifically on the basis of that content, with amendments. (S. Rept. No. 105–89)

Page S9968

Measures Passed:

Breast Cancer: Committee on Labor and Human Resources was discharged from further consideration of S. Res. 85, expressing the sense of the Senate that individuals affected by breast cancer should not be alone in the fight against the disease, and the resolution was then agreed to. **Page S9986**

Elderly Nutrition Program Anniversary: Committee on Labor and Human Resources was discharged from further consideration of S. Con. Res. 11, recognizing the 25th anniversary of the establishment of the first nutrition program for the elderly under the Older Americans Act of 1965, and the resolution was then agreed to. **Pages S9986–87**

Au Pair Program Authority: Senate passed S. 1211, to provide permanent authority for the administration of au pair programs. **Page S9987**

Oklahoma City National Memorial Act: Senate concurred in the amendment of the House to S. 871, to establish the Oklahoma City National Memorial as a unit of the National Park System, and to designate the Oklahoma City Memorial Trust, clearing the measure for the President. **Pages S9911–14**

District of Columbia Appropriations: Senate continued consideration of S. 1156, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, taking action on amendments proposed thereto, as follows:

Pages S9914–40, S9960–63, S9978–80

Pending:

Coats Modified Amendment No. 1249, to provide scholarship assistance for District of Columbia elementary and secondary school students.

Pages S9914–40, S9961–63

Wyden Amendment No. 1250, to establish that it is the standing order of the Senate that a Senator who objects to a motion or matter shall disclose the objection in the Congressional Record. **Page S9914**

Graham/Mack/Kennedy Amendment No. 1252, to provide relief to certain aliens who would otherwise be subject to removal from the United States.

Pages S9960–61, S9978–79

Mack/Graham/Kennedy Amendment No. 1253 (to Amendment No. 1252), in the nature of a substitute. **Pages S9961, S9979–80**

Senate will resume consideration of the bill on Tuesday, September 30, 1997.

Department of Defense Appropriations—Conference Report: By 93 yeas to 5 nays (Vote No. 258), Senate agreed to the conference report on H.R. 2266, making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, clearing the measure for the President.

Pages S9940–57

Messages from the President: Senate received the following messages from the President of the United States:

Transmitting the report concerning the national emergency with respect to Angola; referred to the

Committee on Banking, Housing, and Urban Affairs. (PM–69). Pages S9967–68

Nominations Confirmed: Senate confirmed the following nominations:

By unanimous vote of 97 yeas (Vote No. 259 EX), Katharine Sweeney Hayden, of New Jersey, to be United States District Judge for the District of New Jersey. Pages S9957–59, S9987

Nominations Received: Senate received the following nominations:

David W. Wilcox, of Virginia, to be an Assistant Secretary of the Treasury.

Stanley Marcus, of Florida, to be United States Circuit Judge for the Eleventh Circuit.

Stanley Tuemler Escudero, of Florida, to be Ambassador to the Republic of Azerbaijan.

Daniel Fried, of the District of Columbia, to be Ambassador to the Republic of Poland.

James Carew Rosapepe, of Maryland, to be Ambassador to Romania.

Peter Francis Tufo, of New York, to be Ambassador to the Republic of Hungary.

B. Lynn Pascoe, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as Special Negotiator for Nagorno-Karabakh.

David Timothy Johnson, of Georgia, a Career Member of the Senior Foreign Service, Class of Counselor, for the rank of Ambassador during his tenure of service as Head of the United States Delegation to the Organization for Security and Cooperation in Europe (OSCE). Page S9987

Messages From the President: Pages S9967–68

Messages From the House: Page S9968

Measures Placed on Calendar: Page S9968

Communications: Page S9968

Executive Reports of Committees: Pages S9968–69

Statements on Introduced Bills: Pages S9969–76

Additional Cosponsors: Pages S9976–77

Amendments Submitted: Page S9978

Authority for Committees: Page S9980

Additional Statements: Page S9980

Record Votes: Two record votes were taken today. (Total–259) Page S9957

Adjournment: Senate convened at 12 noon, and adjourned at 7:24 p.m., until 9 a.m., on Friday, September 26, 1997. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S9987.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Armed Services: Committee ordered favorably reported 7,400 military nominations in the Army, Navy, Air Force, and Marine Corps.

BUSINESS MEETING—ISTEA AUTHORIZATION

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported an original bill authorizing funds for the transit provisions of the Intermodal Surface Transportation Efficiency Act (ISTEA).

MOTOR VEHICLE SAFETY

Committee on Commerce, Science, and Transportation: Committee concluded hearings on S. 852, to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles, after receiving testimony from William L. Brauch, Iowa Department of Justice, Des Moines, on behalf of the National Association of Attorneys General; Bernard E. Brown, Kansas City, Missouri, on behalf of the Consumer Federation of America; R. B. Dossett, Jr., Dossett Big 4, Tupelo, Mississippi, on behalf of the National Automobile Dealers Association; Peg Echols, State Farm Insurance Companies, Bloomington, Illinois; and Marcia McAllister, Schaumberg, Illinois, on behalf of the American Salvage Pool Association.

ENERGY EFFICIENCY

Committee on Energy and Natural Resources: Committee concluded hearings to examine the implementation of the Federal agency energy management provisions of the Energy Policy Act of 1992, after receiving testimony from John B. Goodman, Deputy Under Secretary of Defense for Industrial Affairs and Installations; John Archibald, Acting Director, Federal Energy Management Program, Office of Energy Efficiency and Renewable Energy, Department of Energy; Glenn Skovholt, Honeywell, Inc., Minneapolis, Minnesota, on behalf of the National Association of Energy Service Companies; Richard Frost, ICRC Energy Inc., Anchorage, Alaska; Jerry Hathaway, Arlington, Virginia, on behalf of the Chugach Alaska Corporation; and James P. Kovalcik, PNM Energy Partners, Washington, D.C., on behalf of the Edison Electric Institute.

PUBLIC LANDS

Committee on Energy and Natural Resources: Subcommittee on Forests and Public Land Management concluded hearings on S. 799, to transfer eighty

acres of public land in Big Horn County, Wyoming, to the estate of Mr. Fred Steffens, S. 814, to transfer forty acres of public land in Big Horn County, Wyoming, to John R. and Margaret J. Lowe, and H.R. 960, to extinguish the Federal government's right of reversion to lands encumbered by a railroad right-of-way within Tulare, California, after receiving testimony from Mat Millenbach, Deputy Director, Bureau of Land Management, Department of the Interior.

IRS REFORM

Committee on Finance: Committee concluded hearings to examine the current state of the Internal Revenue Service, focusing on its practices and procedures and its enforcement authorities to collect delinquent taxes, after receiving testimony from Michael P. Dolan, Acting Commissioner of Internal Revenue, Department of the Treasury; Lynda D. Willis, Director, Tax Policy and Administration Issues, General Government Division, General Accounting Office; and certain protected witnesses.

SUDAN

Committee on Foreign Relations: Subcommittee on African Affairs concluded hearings to examine the incidence of religious persecution and human rights violations in Sudan, after receiving testimony from Gare A. Smith, Deputy Assistant Secretary of State/Bureau of Democracy, Human Rights and Labor; House of Lords Deputy Speaker Caroline Cox, London, England, on behalf of the Christian Solidarity International; Marc R. Nikkel, Episcopal Church of Sudan/Diocese of Bor, Nairobi, Kenya; and Jemera Rone, Human Rights Watch, Washington, D.C.

TREATIES

Committee on Foreign Relations: Committee concluded hearings on the Treaty of Maritime Boundaries between the United States and the United Mexican States, signed at Mexico City, May 4, 1978 (Treaty Doc. 96–6), the Protocol Between the United States and Canada Amending the 1916 Convention for the Protection of Migratory Birds in Canada and the United States, with a related exchange of notes, signed at Washington on December 14, 1995 (Treaty Doc. 104–28), the Protocol Between the Government of the United States and the Government of the United Mexican States Amending the Convention for the Protection of Migratory Birds and Game Mammals, signed at Mexico City on May 5, 1997 (Treaty Doc. 105–26), after receiving testimony from Senator Murkowski; Alaska Lt. Governor Fran Ulmer, Juneau; Mary Beth West, Deputy Assistant Secretary of State for Oceans, Science and Technology/Bureau of Oceans, and International Environmental and Scientific Affairs; Jamie Clark, Director, U.S. Fish and Wildlife Service, Department of the Interior; Myron Naneng, Sr., Native Migratory Birds Working Group/Association of Village Presidents, Anchorage, Alaska; and Roger Holmes, Minnesota Department of Natural Resources, St. Paul.

CAMPAIGN FINANCING INVESTIGATION

Committee on Governmental Affairs: Committee resumed hearings to examine certain matters with regard to the committee's special investigation on campaign financing, receiving testimony from Lawrence M. Noble, General Counsel, and Trevor Potter, former Chairman, both of the Federal Election Commission; Anthony Corrado, Colby College, Waterville, Maine; Daniel R. Ortiz, University of Virginia, Charlottesville; Burt Neuborne, New York University School of Law, New York, New York; and Roger Pilon, CATO Institute, Washington, D.C.

Hearings continue on Tuesday, September 30.

GLOBAL TOBACCO SETTLEMENT

Committee on Labor and Human Resources: Committee resumed hearings to examine the scope and depth of the proposed settlement between State Attorneys General and tobacco companies to mandate a total reformation and restructuring of how tobacco products are manufactured, marketed, and distributed in America, focusing on the need to prevent young people from using tobacco products and other public health goals, receiving testimony from Donna E. Shalala, Secretary of Health and Human Services.

Hearings continue on Tuesday, September 30.

CAPITOL SECURITY

Committee on Rules and Administration: Committee held hearings to examine the security needs of the United States Capitol complex, receiving testimony from Gregory S. Casey, Senate Sergeant at Arms, Wilson Livingood, House Sergeant at Arms, Alan M. Hantman, Architect of the Capitol, and Gary L. Abrecht, Chief, U.S. Capitol Police, all on behalf of the U.S. Capitol Police Board.

Hearings were recessed subject to call.

COMMITTEE EXPENDITURES

Committee on Veterans' Affairs: On Wednesday, September 24, committee approved for reporting an original resolution (S. Res. 126) authorizing supplemental expenditures by the Committee on Veterans' Affairs.

House of Representatives

Chamber Action

Bills Introduced: 18 public bills, H.R. 2544–2561; and 4 resolutions, H. Con. Res. 158–159 and H. Res. 244–245, were introduced. **Pages H7910–11**

Reports Filed: Reports were filed today as follows:

H.R. 1313, a private bill, for the relief of Nancy B. Wilson (H. Rept. 105–269); and

H.R. 2516, to extend the Intermodal Surface Transportation Efficiency Act of 1991 through March 31, 1998, amended (H. Rept. 105–270).

Page H7910

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Emerson to act as Speaker pro tempore for today.

Page H7833

Guest Chaplain: The prayer was offered by the guest Chaplain, the Rev. J.A. Panuska, S.J. of Scranton, Pennsylvania. **Page H7833**

Journal: By a recorded vote of 331 ayes to 78 noes, Roll No. 439, the House agreed to the Speaker's approval of the Journal of Wednesday, September 24. **Pages H7833–35**

Motion to Adjourn: By a yea and nay vote of 71 yeas to 337 nays, Roll No. 438, rejected the Mink of Hawaii motion to adjourn. **Page H7834**

Motion to Adjourn: By a yea and nay vote of 82 yeas to 334 nays, Roll No. 440, rejected the Woolsey motion to adjourn. **Page H7840**

DOD Appropriations: By a yea and nay vote of 356 yeas to 65 nays, Roll No. 442, the House agreed to the conference report to accompany H.R. 2266, making appropriations for the Department of Defense for the fiscal year ending September 30, 1998. **Pages H7842–49**

Earlier, agreed to H. Res. 242, the rule waiving points of order against consideration of the conference report by a yea-and-nay vote of 419 yeas to 3 nays, Roll No. 442. **Pages H7840–42**

Order of Business: Agreed that during further consideration of H.R. 2267, that (1) no further amendment shall be in order except amendments printed before September 25 in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII; amendments numbered 2 and 3 in part 2 of House Report 105–264; one amendment offered by Representative Rogers after consultation with Representative Mollohan; one amendment to the amendment printed in the Congressional Record and numbered 4; and pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees; (2) each amendment shall be considered as read and (other than the amendments numbered 2 and 3 in part 2 of House Report 105–264 and the amendment numbered 4 and any amendment thereto) shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent; (3) the amendment numbered 4 shall be debatable for 60 minutes equally divided and controlled by the proponent and an opponent, except that if an amendment thereto if offered before that debate begins, then the amendment and the amendment thereto shall be debatable for 30 minutes equally divided and controlled by the original proponent and opponent; (4) the amendment numbered 4 may be offered only before noon on Friday, September 26, 1997, or after 5 p.m. on Monday, September 29, 1997; (5) the amendment numbered 2 in House Report 105–264 may be offered only on Tuesday, September 30, 1997; (6) the amendment numbered 4 and the amendment offered by Representative Rogers may be offered without regard to the stage of the reading; (7) after the sum of the number of motions to strike out the enacting words of the bill (as described in clause 7 of rule XXIII) or that the Committee rise offered by Members of the minority party reaches three, the chairman of the Committee of the Whole may entertain another such motion during further consideration of the bill only if offered by the chairman of the Committee on Appropriations or the Majority Leader or their designee. **Pages H7889–90**

Commerce, Justice, State, and Judiciary Appropriations: The House continued consideration of amendments to H.R. 2267, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998. The House completed general debate and considered amendments to the bill on September 24.

Pages H7849–H7907

Agreed To:

The Hyde amendment, debated on September 24, that allows any defendant who prevails in a federal prosecution an opportunity to recover attorney fees unless the government establishes that it was substantially justified in initiating and prosecuting the case (agreed to by a recorded vote of 340 ayes to 84 noes, Roll No. 443); **Pages H7849–50**

The Mollohan amendment that increases funding for the Legal Services Corporation by $109 million and decreases funding for various programs at the

Departments of Commerce, Justice, State, the Judiciary, and related agencies accordingly (agreed to by a recorded vote of 246 ayes to 176 noes, Roll No. 449); **Pages H7853–68**

The Sanders amendment that increases funding for the United States Trade Representative by $1 million and decreases the Commerce Department salaries and expenses funding accordingly (agreed to by a recorded vote of 356 ayes to 64 noes, Roll No. 452); and **Pages H7873–77**

The Rogers amendment that increases National Oceanic and Atmospheric Administration funding for implementing the non-point source pollution control program; and research on pfiesteria. **Pages H7893–96**

Rejected:

The Scott amendment, debated on September 24, that sought to increase funding for the Boys and Girls Clubs by $80 million; special advocate program by $13 million; child abuse training program by $8 million; grants to combat violence against women by $40 million; residential substance abuse treatment grants by $37 million; drug courts by $76.7 million; and law enforcement family support programs by $4 million and decrease the funding for the violent offender incarceration and truth in sentencing incentive grants program by $258.7 million (rejected by a recorded vote of 129 ayes to 291 noes, Roll No. 444); **Pages H7850–51**

The Waters amendment, debated on September 24, that sought to increase drug courts funding by $30 million and decrease the violent offender incarceration and truth in sentencing incentive grants funding accordingly (rejected by a recorded vote of 162 ayes to 259 noes, Roll No. 445); **Page H7851**

The Coburn amendment, debated on September 24, that sought to increase Juvenile Justice funding by $74.1 million and reduce Department of Commerce Advanced Technology Program funding accordingly (rejected by a recorded vote of 163 ayes to 261 noes, Roll No. 446); **Pages H7851–52**

The Norton amendment, debated on September 24, that sought to strike section 103 that prohibits funding for abortions in the Federal prison system (rejected by a recorded vote of 155 ayes to 264 noes, Roll No. 447); **Pages H7852–53**

The Hefley amendment that sought to decrease funding for the Economic Development Administration by $90 million (rejected by a recorded vote of 107 ayes to 305 noes, Roll No. 455); and **Pages H7878–86**

The Hostettler amendment that sought to eliminate funding for the Advanced Technology Program (rejected by a recorded vote of 177 ayes to 235 noes, Roll No. 456). **Pages H7886–89**

Points of order sustained:

A point of order was sustained against the Sanders amendment that sought to increase funding for the United States Trade Representative by $1 million and decrease the Commerce Department salaries and expenses funding accordingly (sustained the ruling of the Chair by a recorded vote of 231 ayes to 188 noes, Roll No. 451). **Pages H7871–72**

Pending:

The Gilman amendment was offered that seeks to withhold not more than $356.2 million from State Department salaries and expenses funding until the Secretary of State has made one or more designations of organizations as foreign terrorist organizations; **Page H7899**

The Bartlett en bloc amendment that seeks to strike $54 million for payment of U.N. international organization arrearages and $46 million for payment of U.N. international peacekeeping activities arrearages; **Pages H7900–04**

Rejected the Tierney motion to rise by a recorded vote of 102 ayes to 315 noes, Roll No. 448. **Page H7862**

Rejected the Gephardt motion to rise by a recorded vote of 119 ayes to 293 noes, Roll No. 450. **Pages H7868–69**

Rejected the Becerra motion to rise by a recorded vote of 107 ayes to 294 noes, Roll No. 453. **Pages H7877–78**

Rejected the Becerra motion to rise by a recorded vote of 103 ayes to 281 noes, Roll No. 454. **Pages H7879–80**

On September 24, agreed to H. Res. 239, the rule that is providing for consideration of the bill by a voice vote. Pursuant to the rule, the amendment printed in Part I of H. Rept. 105–264, that provides for an expedited judicial review to determine the legality and constitutionality of the use of sampling for purposes of apportionment or redistricting, was considered as adopted. **Pages H7755–59**

Late Report: Conferees received permission to have until midnight tonight to file a conference report on H.R. 2203, making appropriations for energy and water development for the fiscal year ending September 30, 1998. **Page H7907**

Presidential Message—National Emergency Re Angola: Read a message from the President wherein he transmitted his report concerning the national emergency with respect to Angola—referred to the Committee on International Relations and ordered printed (H. Doc. 105–135). **Pages H7907–08**

Library of Congress Trust Fund: The Chair announced the Speaker's appointment on the part of the House of Mr. Wayne Berman of the District of

Columbia to the Library of Congress Trust Fund Board. Page H7908

Senate Messages: Messages received from the Senate today appear on pages H7833 and H7879.

Referrals: S. 542 to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Far Horizons*; S. 662, to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Vortice*; and S. 880, to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Dusken IV* were referred to the Committee on Transportation and Infrastructure. Page H7909

Amendments: Amendments printed pursuant to the rule appear on pages H7911–13.

Quorum Calls—Votes: Four yea-and-nay votes and fifteen recorded votes developed during the proceedings of the House today and appear on pages H7834, H7835, H7840, H7841–42, H7848–49, H7849–50, H7850–51, H7851, H7852, H7852–53, H7862, H7868, H7868–69, H7872, H7877, H7877–78, H7879–80, H7885–86, and H7889. There were no quorum calls.

Adjournment: Met at 10:00 a.m. and adjourned at 11:50 p.m.

Committee Meetings

FEDERAL AGRICULTURE IMPROVEMENT AND REFORM ACT

Committee on Agriculture: Subcommittee on Forestry, Resource Conservation, and Research approved for full Committee action amended H.R. 2534, Agricultural Research, Extension, and Education Reauthorization Act of 1997.

ELECTRONIC FUNDS TRANSFER—FEDERAL AGENCY PAYMENTS

Committee on Banking and Financial Services: Held a hearing on the Department of the Treasury's proposed rules regarding the management of federal agency payments through the use of Electronic Funds Transfer. Testimony was heard from John D. Hawke, Jr., Under Secretary, Domestic Finance, Department of the Treasury; John Dyer, Acting Principal Deputy Commissioner, SSA; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Commerce: Ordered reported amended the following bills: H.R. 1411, amended, Prescription Drug User Fee Reauthorization and Drug Regulatory Modernization Act of 1997; and H.R. 2469, amended, Food and Nutrition Information Reform Act of 1997.

FEDERAL WORKPLACE—EMPLOYMENT DISCRIMINATION

Committee on Government Reform and Oversight: Subcommittee on Civil Service concluded hearings on Employment Discrimination in the Federal Workplace, Part II. Testimony was heard from Representatives Canady and Herger; Ronald Stewart, Deputy Chief, Programs and Legislation, Forest Service, USDA; and public witnesses.

PFIESTERIA AND FOOD SAFETY

Committee on Government Reform and Oversight: Subcommittee on Human Resources held a hearing on Pfiesteria and Food Safety: The Federal and State Response. Testimony was heard from Terry Garcia, Acting Assistant Secretary, Oceans and Atmosphere, Department of Commerce; the following officials of the Department of Health and Human Services: Kenneth Olden, M.D., Director, National Institute of Environmental Health Sciences, NIH; Fred Shank, Director, Center for Food Safety and Applied Nutrition, FDA; and Richard J. Jackson, M.D., Director, National Center for Environmental Health, Centers for Disease Control and Prevention; Robert H. Wayland, III, Director, Office of Wetlands, Oceans and Watersheds, EPA; Parris N. Glendening, Governor, State of Maryland; David Bruton, M.D., Secretary, Health and Human Services, State of North Carolina; Randolph Gordon, M.D., Commissioner, Department of Health, State of Virginia; and public witnesses.

MISCELLANEOUS MEASURES

Committee on International Relations: Subcommittee on International Operations and Human Rights approved for full Committee action the following bills: H.R. 2232, amended, Radio Free Asia Act of 1997; and H.R. 2358, Political Freedom in China Act of 1997.

OVERSIGHT—ADMINISTRATIVE RULEMAKING—MONITORING ROLE OF CONGRESS

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held an oversight hearing on the Role of Congress in Monitoring Administrative Rulemaking. Testimony was heard from Senator Brownback; Representatives Hayworth and Kelly; and public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Subcommittee on Courts and Intellectual Property held a hearing on the following bills: H.R. 1063, to amend the Webb-Kenyon Act to allow any State, territory, or possession of the United States to bring an action in Federal court to enjoin violations of that Act or to enforce the laws of such State, territory, or possession with respect to such violations; and H.R. 1534, Private Property Rights Implementation Act of 1997. Testimony was heard from Representatives Riggs and Ehrlich; John Dwyer, Acting Associate Attorney General, Department of Justice; and public witnesses.

NATIONAL FISH AND WILDLIFE FOUNDATION ESTABLISHMENT ACT AMENDMENTS

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans held a hearing on H.R. 2376, National Fish and Wildlife Foundation Establishment Act Amendments of 1997. Testimony was heard from Representative Chenoweth; Jamie Rappaport Clark, Director, U.S. Fish and Wildlife Service, Department of the Interior; Sally Yozell, Deputy Assistant Secretary, Oceans and Atmosphere, NOAA, Department of Commerce; and public witnesses.

LAND CONVEYANCE

Committee on Resources: Subcommittee on Forests and Forest Health held a hearing on H.R. 434, to provide for the conveyance of small parcels of land in the Carson National Forest and the Santa Fe National Forest, NM, to the village of El Rito and the town of Jemez Springs, NM. Testimony was heard from Representative Redmond; Janice McDougle, Associate Deputy Chief, National Forest Systems, Forest Service, USDA; and David Sanchez, Mayor, Jemez Springs, New Mexico.

OVERSIGHT

Committee on Resources: Subcommittee on National Parks and Public Lands held an oversight hearing on Everglades National Park and the Miccosukee Tribe of Indians in Florida. Testimony was heard from Representative Diaz-Balart; Edward B. Cohen, Deputy Solicitor, Department of the Interior; and public witnesses.

DOMAIN NAME SYSTEM

Committee on Science: Subcommittee on Basic Research held a hearing on Domain Name System, Part I. Testimony was heard from Joseph Bordogna, Acting Deputy Director, NSF; Larry Irving, Assistant Secretary, Communication and Information, Department of Commerce; and public witnesses.

Hearings continue September 30.

PROMOTING TECHNOLOGY TRANSFER

Committee on Science: Subcommittee on Technology held a hearing on Promoting Technology Transfer by Facilitating Licenses to Federally-Owned Inventions. Testimony was heard from John G. Mannix, Associate General Counsel (Intellectual Property), NASA; and public witnesses.

YEAR 2000 COMPUTER COMPLIANCE ISSUES-IMPACT ON VA

Committee on Veterans' Affairs: Subcommittee on Oversight and Investigations held a hearing on the Year 2000 (Y2K) computer compliance issues and their impact on the Department of Veterans Affairs. Testimony was heard from Joel C. Willemssen, Director, Information Resources Management, Accounting and Information Management Division, GAO; D. Mark Catlett, Acting Assistant Secretary, Management, Acting Chief Information Officer, Acting Chief Financial Officer, Department of Veterans Affairs; and Tom Shope, Acting Director, Division of Electronics and Computer Science, Office of Science Technology, Center for Devices and Radiological Health, FDA, Department of Health and Human Services.

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT IMPLEMENTATION

Committee on Ways and Means: Subcommittee on Health held a hearing on implementation of the Health Insurance Portability and Accountability Act of 1996. Testimony was heard from Judy D. Moore, Deputy Director, Center for Medicaid and State Operations, Health Care Financing Administration, Department of Health and Human Services; Meredith Miller, Deputy Assistant Secretary, Policy, Pension and Welfare Benefits Administration, Department of Labor; J. Mark Iwry, Chief Benefits Tax Counsel, Department of the Treasury; Jay Angoff, Director, Department of Insurance, State of Missouri; and public witnesses.

OVERSIGHT—SSA'S DISABILITY REVIEWS

Committee on Ways and Means: Subcommittee on Social Security held an oversight hearing on the SSA's progress in conducting continuing disability reviews. Testimony was heard from Susan Daniels, Associate Commissioner, Office of Disability, SSA; and Jane L. Ross, Director, Income Security Issues, Health, Education, and Human Services Division, GAO.

Joint Meetings

APPROPRIATIONS—ENERGY AND WATER DEVELOPMENT

Conferees on Wednesday, September 24, agreed to file a conference report on the differences between the Senate- and House- passed versions of H.R. 2203, making appropriations for energy and water development for the fiscal year ending September 30, 1998.

COMMITTEE MEETINGS FOR FRIDAY, SEPTEMBER 26, 1997

(Committee meetings are open unless otherwise indicated)

Senate

No meetings are scheduled.

House

Committee on Commerce, to mark up H.R. 1710, amended, Medical Device Regulatory Modernization Act of 1997, 9:30 a.m., 2123 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on the District of Columbia, oversight hearing on the District of Columbia Metropolitan Police Department and the Booz-Allen MOC, 2:30 p.m., 2154 Rayburn.

Committee on International Relations, to mark up the following measures: H. Res. 188, urging the executive branch to take action regarding the acquisition by Iran of C–802 cruise missiles; H.R. 967, to prohibit the use of United States funds to provide for the participation of certain Chinese officials in international conferences, programs, and activities and to provide that certain Chinese officials shall be ineligible to receive visas and be excluded from admission to the United States; H.R. 2232, Radio Free Asia Act of 1997; H.R. 2358, Political Freedom in China Act of 1997; and H.R. 2386, United States-Taiwan Anti-Ballistic Missile Defense Cooperation Act, 10 a.m., 2172 Rayburn.

Committee on Rules, to consider a resolution making continuing appropriations for the fiscal year ending September 30, 1998, 9:15 a.m., H–313 Capitol.

Committee on Ways and Means, Subcommittee on Oversight, to continue hearings on the Recommendations of the National Commission on Restructuring the Internal Revenue Service with regard to taxpayer protections and rights, 10 a.m., 1100 Longworth.

Joint Meetings

Conferees, on H.R. 2264, making appropriations for the Departments of Labor, Health and Human Services, and Education and related agencies for the fiscal year ending September 30, 1998, 11 a.m., H–144, Capitol.

Conferees, on H.R. 2158, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, 12 noon, H–140, Capitol.

Next Meeting of the SENATE

9 a.m., Friday, September 26

Senate Chamber

Program for Friday: After the transaction of any morning business (not to extend beyond 10 a.m.), Senate will begin consideration of S. 25, Campaign Reform.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, September 26

House Chamber

Program for Friday: Continue consideration of H.R. 2267, Commerce, Justice, State and the Judiciary Appropriations Act (open rule).

Extensions of Remarks, as inserted in this issue

HOUSE

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